

# EXHIBIT 1

**In the Matter of:**

**Jonathan R., et al.,**

**VS**

**JIM JUSTICE, et al.**

**JEREMIAH SAMPLES**

*April 18, 2024*



5010 Dempsey Drive  
Cross Lanes WV 25313  
304-415-1122

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON

JONATHAN R., et al.,

Plaintiffs,

-vs- Case No. 3:19-cv-00710

JIM JUSTICE, in his official capacity as  
Governor of West Virginia, et al.,

Defendants.

DEPOSITION OF JEREMIAH SAMPLES

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The deposition of Jeremiah Samples was  
taken on April 18, 2024, at 10:05 a.m.,  
at 2116 Kanawha Boulevard, East, Charleston,  
West Virginia.

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ELITE COURT REPORTING, LLC  
5010 Dempsey Drive  
Cross Lanes, West Virginia 25313  
(304) 415-1122

Tara Arthur, CCR

A P P E A R A N C E S

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Also Present: Cammie Chapman

1 I N D E X

2 WITNESS

3 Jeremiah Samples

4 EXAMINATION

5 by Ms. Tebor Page 04

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20 Reporter's Certificate: Page 208

Errata Sheet/Signature Page: Enclosed

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1 JEREMIAH SAMPLES,  
2 called as a witness, first being duly sworn  
3 by the Court Reporter/Notary Public,  
4 testified as follows, to wit:

5 EXAMINATION

6 BY MS. TEBOR:

7 Q. Mr. Samples, my name is Julia  
8 Tebor. I am an attorney for plaintiffs in  
9 this case. I will be asking you some  
10 questions today.

11 I want to go through a couple of  
12 procedural things first.

13 A. Yes, ma'am.

14 Q. You were just sworn in, so you are  
15 under oath. You understand that this is the  
16 same as if you were testifying in court?

17 A. Yes, ma'am.

18 Q. Okay. That was the next thing. If  
19 you could, just say yes instead of nodding  
20 your head so the court reporter can take  
21 down any answers.

22 A. Yes, ma'am.

23 Q. Please let me finish a question,  
24 and then give your answers so the court

1 reporter has a clear record.

2 A. Yes, ma'am.

3 Q. Your attorney may object to  
4 questions. You are allowed to answer unless  
5 he tells you not to.

6 A. Yes, ma'am.

7 MS. TEBOR: I forgot to put  
8 everybody else on the record who is in here.  
9 Do you want to do that now?

10 And who is here today representing  
11 you?

12 MR. LESLIE: Bob Leslie.

13 MS. TEBOR: Okay. And for  
14 defendants?

15 MR. PEISCH: Phil Peisch.

16 MS. CHAPMAN: Cammie Chapman.

17 MR. MAZEZKA: Marty Mazezka with  
18 Disability Rights.

19 MR. WALTERS: And Rich Walters  
20 from Shaffer & Shaffer.

21 MS. TEBOR: All right. Thanks  
22 so much.

23 Q. All right. If you --

24 A. May I ask a question?

1 Q. Absolutely.

2 A. So whereas I am sure there will be  
3 questions at my time at the department, in  
4 between and at the legislature, if the state  
5 or their representatives were to object to a  
6 question asked not representing me, how  
7 should -- should I just -- I will just pause  
8 and let you all figure that out?

9 Q. Yes. I don't expect that the state  
10 will object to -- I mean, they should not be  
11 objecting unless there is some sort of  
12 privilege issue. But yes, if there is an  
13 objection --

14 A. Okay.

15 Q. -- from defendants, we will pause  
16 and we will figure it out.

17 MR. LESLIE: So one of the  
18 things I am here for is to explain it to you  
19 along the way. So if something like that  
20 happens, then I'll guide you through it.

21 THE WITNESS: Okay. Yes.

22 MR. PEISCH: We will generally  
23 only be objecting on privilege grounds if  
24 the need arises; attorney/client privilege,

1 attorney work product or deliberative  
2 process privilege.

3 THE WITNESS: Yes, sir.

4 Q. Okay. If you need a break at any  
5 time, please let me know. But please do not  
6 ask for a break while a question is pending.  
7 Please answer the question, and then we can  
8 take a break. Okay?

9 A. Yes, ma'am.

10 Q. Okay. Do you have any questions  
11 about what I have said so far?

12 A. No, ma'am.

13 Q. Okay. Have you ever been deposed  
14 before?

15 A. I believe I have, yes. Yes. And I  
16 have been in a multitude of preparations for  
17 being deposed, but not in a federal court  
18 case.

19 Q. Okay. In what cases were you  
20 actually deposed?

21 A. There was I believe a case in  
22 Kanawha Circuit Court related to managed  
23 care, if I recall correctly. There was  
24 another case related to foster care. I was

1 in the court, but I actually didn't get  
2 deposed -- or actually -- no. I'm sorry. I  
3 did not get deposed in either of those  
4 cases. It was just in court. One, I  
5 testified. One, I did not, to my  
6 recollection.

7 Q. Okay. So you testified in -- so  
8 for the Kanawha Circuit Court case regarding  
9 managed care, did you testify in court?

10 A. And I am going back several years,  
11 maybe eight -- seven, eight years. No --  
12 no, no. I did not testify in either of  
13 those cases. But I was in court prepared to  
14 testify.

15 Q. Okay. Have you been deposed in any  
16 cases?

17 A. No, ma'am.

18 Q. Okay. What did you do to prepare  
19 for today's deposition?

20 A. I provided legislative counsel with  
21 a number of different documents that were  
22 requested. I did look back through some of  
23 those documents as a part of that process.  
24 But in essence, that is it.

1 Q. Okay. And what documents did you  
2 provide to your counsel?

3 A. There is a large volume. Documents  
4 related to my work at the legislature. Some  
5 of those documents were publicly presented  
6 in committee by myself. Others were  
7 discussed in public forums. And some were  
8 discussed and shared only amongst the  
9 legislature, and so may be privilege, or may  
10 not. That's up to you all. But there was a  
11 multitude of -- over 20 documents.

12 Q. So in preparing for this  
13 deposition, you provided those documents to  
14 your attorney?

15 A. That's correct.

16 Q. Okay. And do you know if those  
17 documents have been or are being produced to  
18 the parties in this matter?

19 MR. LESLIE: If I may. That's  
20 what's being printed.

21 MS. TEBOR: That's what is being  
22 printed. Okay.

23 Q. All right. Did you meet with your  
24 attorney in advance of this deposition?

1           A. Just this morning. We briefly  
2 discussed on the phone --

3           MR. LESLIE: Objection. That's  
4 attorney/client privilege. You can say that  
5 we met, but not the content of the  
6 conversation.

7           A. Yes. We met.

8           Q. How many hours did you spend  
9 discussing --

10          A. Less than one hour.

11          Q. Have you reviewed the complaint in  
12 this lawsuit?

13          A. I have.

14          Q. When did you review the complaint?

15          A. In full, it has been several months  
16 ago.

17          Q. Okay.

18          A. In full, the last time that I  
19 reviewed it was during the last legislative  
20 session in 2023.

21          Q. So you said the last time you  
22 reviewed it?

23          A. In full.

24          Q. In full?

1 A. Yes.

2 Q. Had you reviewed it prior to the  
3 last legislative session?

4 A. Yes, ma'am.

5 Q. When did you review it prior to the  
6 last legislative session?

7 A. There would have been a multitude  
8 of times. I wouldn't be able to convey the  
9 specific dates.

10 Q. And why did you review it in  
11 connection with the last legislative  
12 session?

13 A. There was a meeting with the  
14 department, plaintiffs and the federal judge  
15 related to the case.

16 Q. Okay. I would like to discuss your  
17 background.

18 A. Yes, ma'am.

19 Q. Can you provide me with your  
20 educational background?

21 A. I have two undergraduate degrees  
22 from West Virginia University in history and  
23 political science. And I have a master's  
24 degree in legal studies from West Virginia

1 University.

2 Q. Okay. And can you go through your  
3 professional experience starting from  
4 graduation from college?

5 A. Sure. I started at the legislature  
6 as an intern in late 2025 (sic). I was  
7 working in that capacity with the  
8 legislature in 2026 (sic).

9 Q. I'm sorry. Twenty --

10 A. I'm sorry. 2006.

11 Q. Okay.

12 A. The latter half of this intern --  
13 it was called the Herndon Internship. It  
14 results in an agency placement. And so I  
15 was placed initially with the Department of  
16 Revenue, and then the Department of Health  
17 and Human Resources under then Secretary  
18 Martha Walker.

19 In that internship capacity, you  
20 know, found out that I enjoyed the work  
21 quite a bit. And I continued on after that,  
22 in 2006, working in the Office of  
23 Communications and Legislative Affairs.

24 And then approximately 2008, I

1 moved to the General Counsel's Office for  
2 the Department of Health and Human  
3 Resources. Our general counsel at the time  
4 was also the deputy secretary. And so my  
5 responsibilities primarily were in his  
6 deputy secretary role.

7 In 2009, I went to work with  
8 Governor Manchin's office, again under  
9 Martha Walker. She shifted to a new agency  
10 that was focused on healthcare issues.

11 2010, I went to work for the  
12 Offices of the Insurance Commissioner as the  
13 Director of Help Policy.

14 In 2013, I went back to DHHR at the  
15 request of the governor's office to work  
16 with incoming Secretary Bowling as an  
17 assistant. And then either late 2013 or  
18 early 2014, she appointed me as deputy  
19 secretary. I was deputy secretary at DHHR  
20 through 2022. And then I went to work at  
21 the West Virginia Legislature a month after  
22 my departure from the department. And I  
23 have been at the West Virginia Legislature,  
24 the Joint Committee for Government and

1 Finance since that time.

2 Q. All right. We will talk about this  
3 more later. But what generally was your  
4 role as deputy secretary of DHHR?

5 A. It shifted over time. So in the  
6 earlier years, 2014 era, it was primarily  
7 focused on Medicaid policy, public health  
8 policy, behavioral health. I became more  
9 involved in child welfare issues from a  
10 Medicaid perspective, you know, 2015, 2016.

11 And then as the new administration  
12 came in -- at the time, there were two  
13 deputy -- initially, there were three deputy  
14 secretaries. And we had the bureau split  
15 amongst us. Then one of those deputy  
16 secretaries retired. There were two of us  
17 remaining. He retired at the beginning of  
18 the Justice administration. And then I was  
19 the only deputy secretary at that point.  
20 And at that stage, I was heavily involved in  
21 really all areas of DHHR other than to some  
22 degree the facilities -- the health  
23 facilities, I had a lesser role.

24 Q. Okay. In terms of the timing of

1 that -- for what years were there three  
2 deputy secretaries?

3 A. I couldn't state specific years. I  
4 could give you the names of the individuals,  
5 and that could easily be checked. It was  
6 Molly Jordan, Harold Clifton and myself. I  
7 can't recall when Molly retired. I think it  
8 was around 2016, 2015. Harold retired, and  
9 I think that would have been 2017 at some  
10 point. And, you know, I was there until  
11 2002 -- or 2022.

12 Q. And when did you become involved in  
13 child welfare issues?

14 A. Well, even going back to 2013,  
15 2014, I was involved, primarily from a  
16 Medicaid perspective.

17 Q. Uh-huh.

18 A. Also, as it related to the  
19 Department of Justice discussions -- when  
20 those kicked off, I was heavily involved  
21 with Secretary Bowling and those issues. So  
22 at various degrees, going back to when I  
23 came back to DHHR. But I became more  
24 heavily involved once Mr. Clifton retired.

1 Q. Okay. And let's start with 2017,  
2 when you became the sole deputy secretary.  
3 At that point, who did you report to?

4 A. Bill Crouch.

5 Q. Okay. And did you have any direct  
6 reports?

7 A. I did. I had a gentleman by the  
8 name of Kent Nowviskie, a gentleman by the  
9 name of Jeff Wiseman. I had -- I had two  
10 secretaries. I can't recall when my first  
11 secretary retired. Her name was Debbie  
12 Waller. And then Ruth Kemp was a direct  
13 report.

14 Q. Anyone else?

15 A. Well, our organizational structure  
16 was somewhat fluid. So for some  
17 commissioners, they would -- I would sign  
18 their time, sign leave. Ultimately, in our  
19 org chart, they reported directly to the  
20 secretary but also through me at times. And  
21 functionally, it really depended on the  
22 issue. If it were of high criticality, then  
23 the secretary would certainly be involved.

24 They may have their own

1 conversations with the secretary outside of  
2 my purview. But it really just depended who  
3 was available if they had a need -- if they  
4 were having an issue they needed to discuss  
5 or counsel or what have you. And that was  
6 really across all of the different bureau  
7 commissioners.

8 Q. Okay. Would Linda Watts have  
9 reported to you?

10 A. She did. Again, in that same fluid  
11 structure. Linda and I worked very closely  
12 together. And she also worked closely and  
13 reported to Secretary Crouch.

14 Q. Okay.

15 A. I should say - I guess just as a  
16 means of clarification - if Linda were to be  
17 dismissed or need to, you know, take  
18 extended leave, then that would have been  
19 something that she would have discussed with  
20 Secretary Crouch. And he would have had the  
21 authority and purview and line and staff  
22 functionality to meet and discuss anything  
23 with them at any time.

24 Q. Okay. And so you left the deputy

1 secretary position around April of 2022; is  
2 that right?

3 A. That's correct. Yes, ma'am.

4 Q. And what is -- your current role is  
5 now working for the legislature. And what  
6 is your official title?

7 A. Senior advisor.

8 Q. Okay.

9 A. And I work for the Joint Committee  
10 for Government Finance. And so, in essence,  
11 the legislative director is who would sign  
12 my time. And then I work for both the House  
13 and the Senate in that capacity.

14 Q. Okay. And what do you do in that  
15 role?

16 A. I provide guidance, counsel,  
17 conduct research. You know, I work with  
18 legislative committees in the house and  
19 senate on health and human service policy,  
20 insurance policy. You know, provide  
21 presentations about various issues. Take  
22 meetings with constituents or other  
23 stakeholders about critical issues. Do an  
24 extensive amount of constituent work on

1 tricky topics. You know, legislator may not  
2 know what direction to go to help someone.  
3 And so I'll support that individual and  
4 connect them to the right folks.

5 Q. And you said you work on DHHR  
6 policy; is that correct?

7 A. What was DHHR and what is now the  
8 three new departments. I also work quite a  
9 bit on public employee insurance issues and  
10 other topics. But yes, the former DHHR  
11 policy areas do fall under my work.

12 Q. Okay. And just focusing on the  
13 topics under the DHHR, now DOHS, what types  
14 of issues have you worked on in your role as  
15 a senior advisor to the legislature?

16 A. It's pretty broad and extensive.  
17 Certainly child welfare policy. Medicaid  
18 policy. Family assistance policy.  
19 Behavioral health policy. CHIP, the child  
20 health insurance program policy. Child  
21 support enforcement issues. Office of drug  
22 control policy, substance use disorder  
23 issues. Public health issues ranging from  
24 medical examiner, emergency medical services

1 to, you know, evaluating the state's  
2 response to COVID. And a multitude of  
3 things under those categories.

4 Q. And in terms of the child welfare  
5 policy, what do you work on?

6 A. I do a lot of policy research.  
7 One, just trying to keep apprised of how  
8 well the state is doing in various areas of  
9 child welfare policy. There are a lot of  
10 constituent complaints to legislators about  
11 child welfare-related issues. There are a  
12 lot of providers and other actors -- you  
13 know, the court system, I will meet with  
14 them on a regular basis to discuss child  
15 welfare policy.

16 You know, so there's quite a bit of  
17 research, national research, research of  
18 what the state is doing. And then policy  
19 development. Just strategies and ideas on  
20 how to improve our current situation.

21 Q. Okay. And in that role, are you --  
22 do you review documents coming from DOHS?

23 A. I do.

24 Q. Okay. And how do you obtain those

1 documents?

2 A. Typically, it is through the health  
3 committees, both senate and house. We also  
4 have a joint committee for children and  
5 families, and that committee also exists  
6 during regular session for the house.

7 Q. Uh-huh.

8 A. Those are the primary routes.  
9 Those staff will request it. I have  
10 historically requested documents as well.

11 Q. Okay. And has DOHS generally  
12 provided the documents requested from you?

13 A. Not a hundred percent. In fact,  
14 one reason that I leverage the support of  
15 the health committees is to obtain  
16 documents. There is not a great response  
17 rate.

18 Q. When you say there is not a great  
19 response rate, what do you mean?

20 A. I request the document or  
21 information, and it just will not be  
22 provided.

23 Q. Is there a reason communicated as  
24 to why it's not provided?

1 A. No, ma'am.

2 Q. As part of your current role, do  
3 you speak with employees of DOHS or BSS?

4 A. I do.

5 Q. Are you given free access to speak  
6 to whichever employees you request to speak  
7 with?

8 A. Legislative leadership provides me  
9 the authority to make those types of  
10 inquiries and have those conversations, yes.

11 Q. Okay. And what issues -- or what  
12 have you looked at in the past since you  
13 have started at the legislature that pertain  
14 to child welfare?

15 A. The list of items would be too  
16 exhaustive for me to recall each one. Is  
17 there a specific --

18 Q. Yeah.

19 A. It's a broad area of policy, as you  
20 know.

21 Q. Have you looked at issues with  
22 having an adequate number and type of  
23 placement?

24 A. Yes, ma'am.

1           Q.   Okay.   What have you looked at in  
2   that context?

3           A.   I have did quite a bit of research  
4   and produced a report as it relates to how  
5   to state placement issues, placements in  
6   acute care hospitals that are inappropriate,  
7   placements of children in hotel rooms,  
8   children that may be in a placement that is  
9   licensed, but their needs may not be  
10   directly in line with that type of  
11   placement.

12                 For example, a child may be in  
13   juvenile services that has a developmental  
14   disability issue.   And that child may linger  
15   in that placement while the agency attempts  
16   to find them somewhere that is more  
17   appropriate.

18           Q.   Okay.   And you said you wrote a  
19   report on this.   Is this a report that will  
20   be provided?

21           A.   Yes.

22                 MR. LESLIE:   Yes.

23           Q.   We will ask more questions when we  
24   obtain that.

1                   Have you looked at issues -- in  
2     your capacity as a legislative advisor, have  
3     you looked at issues with regard to  
4     retention and turnover?

5                   A. I have, yes, ma'am.

6                   Q. And what did you look at with  
7     respect to those issues?

8                   A. Certainly, I frequently track the  
9     department's publicly reported -- they can  
10    see rates for a number of different child  
11    welfare positions. But specifically Child  
12    Protective Services -- I have conducted  
13    research and looked into issues as it  
14    relates to what a Child Protective Service  
15    worker is in West Virginia relative to other  
16    states, caseload issues based on the  
17    parameters that different jurisdictions have  
18    relative to West Virginia. Regional  
19    distribution of child protective services  
20    has been an area of focus and inquiry.

21                  Q. Okay. And with respect to these  
22    issues, have you written any reports or  
23    provided any presentations to the  
24    legislature?

1           A.    I have.

2           Q.    Okay.  And are those being provided  
3   as well?

4                   MR. LESLIE:  We are printing it  
5   off.

6                   MS. TEBOR:  I'll save these for  
7   after we print them.

8                   MR. LESLIE:  Save them for  
9   later.

10                  MS. TEBOR:  Yeah.  I think that  
11   makes sense.

12           Q.    I know you said you've read the  
13   complaints numerous times.  Do you recall  
14   discussing the issues that are raised in our  
15   complaint with other employees at DHHR while  
16   you were deputy secretary?

17                  MR. PEISCH:  I'm going to object  
18   to that on the grounds of attorney/client  
19   privilege or attorney work product.

20                   Not all of it will be covered by  
21   that.  But please refrain from disclosing  
22   any information about communications with  
23   attorneys or requests from attorneys whether  
24   they be through employees of then DHHR or

1 from attorneys directly.

2 THE WITNESS: May I ask a  
3 clarifying question?

4 MR. PEISCH: Yeah.

5 THE WITNESS: Ms. Chapman's  
6 role has been somewhat fluid, ranging from  
7 an attorney to more of a policy person. And  
8 so Cammie and I have had a multitude of  
9 conversations about child welfare and  
10 certainly this case over the years. Would  
11 that be protected?

12 MR. PEISCH: So I think it  
13 depends on what the question is. It was a  
14 pretty broad question. So I don't know.  
15 And it depends on what the answer is too.

16 Q. Yeah. So why don't we -- how about  
17 this. I think right now, let's narrow it to  
18 conversations aside from Ms. Chapman. And I  
19 am going to ask you this question again.  
20 And this may be something where you would  
21 like to discuss with your attorney what the  
22 conversations were with Ms. Chapman. And  
23 then we can come back to this question  
24 later. Okay?

1 A. Sure. Yes.

2 Q. All right. So in terms of while  
3 you were at DHHR and in -- okay. I will  
4 rephrase.

5 With regard to Plaintiffs'  
6 complaint in this matter, did you talk to  
7 anyone at DHHR who was not an attorney at  
8 that time about the complaint?

9 A. Yes.

10 MR. PEISCH: I'm going to raise  
11 the same objection. But I think a yes or no  
12 answer would not implicate attorney/client  
13 privilege. But beyond that, there may be.

14 A. Yes.

15 Q. Who did you speak with?

16 A. Generally, the cabinet secretary.

17 Q. Okay. Anyone else?

18 A. Linda Watts. Jeff Pye.

19 Q. Okay.

20 A. Cindy Beane.

21 Q. Anyone else?

22 A. Yes. There would have been  
23 discussions with the deputy secretaries at  
24 what used to be called the Bureau for

1 Children and Families, and is now called the  
2 Bureau for Social Services.

3 Q. Okay. And did you have an opinion  
4 about the truthfulness of the allegations in  
5 the complaint when you initially received  
6 it?

7 A. Yes.

8 Q. And what was that opinion?

9 A. I felt that there were certainly  
10 accuracies in the complaint. I had serious  
11 concerns about the potential remedies  
12 proposed based on research and class action  
13 child welfare cases in other states, and our  
14 own experiences at then DHHR with class  
15 action suits like Hartley and Benjamin  
16 (phonetic). My primary worry was that the  
17 remedies, while initially well intended,  
18 would over time result in degradation of  
19 policy and --

20 Q. Mr. Samples, I just asked about the  
21 accuracy of the statements and not about the  
22 remedies. So I'll just stop you there, and  
23 I will move.

24 A. Oh, I'm sorry. I thought you asked

1 my opinion about the --

2 Q. No. That's -- opinion on the  
3 accuracy. I appreciate it. I appreciate  
4 it.

5 A. Oh, sorry.

6 Q. Let's see. So in your current role  
7 -- I will just go back to your current role  
8 for a minute. Do you speak with the foster  
9 care ombudsman?

10 A. I do.

11 Q. What do you discuss with her?

12 A. I provide her with a number of  
13 referrals from constituents. I discuss  
14 policy concerns that exist at the Bureau for  
15 Social Services.

16 Q. Okay. And what sort of referrals  
17 do you provide to her?

18 A. As I mentioned before, a number of  
19 constituents will have issues with the child  
20 welfare system. And I say constituents.  
21 That's a broad group. It could be a number  
22 of different -- it could be providers,  
23 foster families, families that have had  
24 their children taken and others.

1           Typically, what I do when I get a  
2   complaint, especially if it involves a  
3   specific child and not a provider rate issue  
4   or something to that effect -- is, I will  
5   make the referral to both the department and  
6   to the child welfare ombudsman. And the  
7   purpose of that is really to give the  
8   department a chance to deal with any  
9   immediacy issues and to reconcile the  
10   problem, but then also to have that safety  
11   valve with the ombudsman to look into it to  
12   be able to report back to the legislature  
13   any systemic fixes or issues that they  
14   identified.

15           Q. Okay. And you also said that you  
16   have discussed with the ombudsman any policy  
17   concerns. What policy concerns have you  
18   discussed with her?

19           A. There have been a multitude.  
20   Conflict of interest issues between the  
21   department and the ombudsman. Concerns  
22   about specific areas of child welfare  
23   policy, like out-of-state placement of  
24   children, performance of CPS in the field,

1 responsiveness by the agency to provider  
2 issues and issues that have been brought  
3 forth by the court as concerns.

4 Q. Okay. And you mentioned -- sorry.  
5 Anything else?

6 A. We have had discussions about the  
7 amount -- or the type of information that  
8 can be accessed by the child welfare  
9 ombudsman's office and the structure of that  
10 office within state government as it  
11 historically related to DHHR, but then over  
12 time, as that office exists within the  
13 Department of Health under the Office of  
14 Inspector General.

15 Q. Okay. Anything else?

16 A. I believe that there are. I can't  
17 think of anything off the top of my head.  
18 We have had a multitude of discussions. So  
19 there very well could be other things I am  
20 not thinking of.

21 Q. Okay. You mentioned the conflict  
22 of interest between the department and the  
23 ombudsman as a topic that you have discussed  
24 with the ombudsman. What do you mean by

1     that?

2           A.   That issue has evolved over time as  
3     in my position at the legislature.   So  
4     initially there were discussions about  
5     pressure that the ombudsman was experiencing  
6     from the department in talking to the  
7     legislature about child welfare issues,  
8     reviewing reports and wanting certain  
9     information withheld, and just generally  
10    being able to gain access to information  
11    from the department.

12           It was stated to me that Secretary  
13    Crouch at one point had met with the  
14    ombudsman and applied pressure about  
15    discussions that she may or may not want to  
16    have with the legislature.   And it had been  
17    indicated that my name had been brought up,  
18    to be very careful about conversations that  
19    she had with me, specifically in my work at  
20    the legislature.

21           There were concerns presented about  
22    discussions with Ms. Chapman not wanting  
23    information released from the ombudsman.  
24    And so as we began to reorganize or plan for

1 the reorganization of DHHR, that specific  
2 issue became a top priority and continued to  
3 be a priority even through this past year.  
4 And the reorganization bill itself and some  
5 of the documents that will be provided  
6 reflect the amount of time and effort that  
7 was spent to ensure that the Office of  
8 Inspector General was independent, at least  
9 in statute, and the entities under the  
10 Office of Inspector General would have the  
11 ability to conduct their jobs without any  
12 type of undue influence.

13 Q. Okay. You mentioned that you had  
14 heard that Secretary Crouch met with the  
15 ombudsman and applied pressure. Do you  
16 remember when you learned of that  
17 conversation?

18 A. It would have been in 2023 that I  
19 -- or actually, it would have gone back to  
20 2022 - I'm sorry - that I first was made  
21 aware of that.

22 Q. How were you made aware of that?

23 A. A conversation with the ombudsman.

24 Q. And what did the ombudsman relay to

1 you in terms of what Secretary Crouch  
2 relayed to her?

3 A. She said that she was called in to  
4 Secretary Crouch's office. And I don't  
5 recall specifically how she worded it. But  
6 the tone of the conversation was that it was  
7 a threat, to be very careful about  
8 conversations that she had with the  
9 legislature and documents that she would  
10 release.

11 Q. Did you understand that Secretary  
12 Crouch was telling her that he did not want  
13 her to be forthcoming and fully disclose her  
14 findings?

15 A. That was my analysis of the  
16 situation, yes.

17 Q. Do you know when Secretary Crouch  
18 had this conversation with the ombudsman?

19 A. It would have been shortly after --  
20 within a matter of a few months after my  
21 departure at the department, if not -- I  
22 don't know exactly. I know it was in 2022.

23 Q. Okay. Do you know if there was  
24 more than one conversation between Secretary

1 Crouch and the ombudsman?

2 A. I do not recall.

3 Q. Do you know if there was specific  
4 information that Secretary Crouch did not  
5 want released to the public or to the  
6 legislature?

7 A. I do not recall specifically, no.

8 Q. Okay. And you also mentioned a  
9 conversation with Ms. Chapman -- or between  
10 Ms. Chapman and the ombudsman about not  
11 wanting information released. Is that  
12 right?

13 A. It was stated in conversations with  
14 the ombudsman that she was continuing to  
15 have issues with Ms. Chapman as it related  
16 to gaining access to information, to  
17 meetings and disagreements. My  
18 understanding, disagreements over the  
19 ombudsman's report to the legislature. But  
20 she did not specify a time frame for those  
21 discussions or if they were conducted in a  
22 meeting or via phone or email. I don't know  
23 the nature of those conversations.

24 Q. And when did the ombudsman relay

1 this information to you?

2 A. There have been concerns that she  
3 had raised while I was still at the  
4 department. And then she would have relayed  
5 this information at least in 2022.

6 Q. And with regard to the conversation  
7 with -- conversations with Ms. Chapman, when  
8 did you learn of those conversations between  
9 Ms. Chapman and the ombudsman?

10 A. Initially -- I am just trying to  
11 think through the dates. Initially, it  
12 would have been while I was in my deputy  
13 secretary role.

14 Q. Uh-huh.

15 A. And the ombudsman came to me in  
16 that role and asked for support in trying to  
17 work through the challenges. And especially  
18 at that time, she was -- at least stated to  
19 me that --

20 MR. PEISCH: I'm just going to  
21 interject for a minute. I just want to be  
22 careful there when Ms. Chapman's  
23 conversations with the ombudsman or with you  
24 or with the ombudsman when Ms. Chapman was

1 serving in a lawyer role and they were  
2 communicated to you when you were secretary  
3 or deputy secretary would be privileged. So  
4 I don't know whether you are talking about  
5 things you learned when you were in the  
6 legislature or not. But I just want to flag  
7 that.

8 THE WITNESS: Well, I was about  
9 to relay conversations with the ombudsman  
10 while I was at the department about her  
11 concerns -- the issues, problems that she  
12 stated she was having with Ms. Chapman.

13 MR. PEISCH: So I am going to  
14 object to that on attorney/client privilege  
15 to the extent it involves Ms. Chapman  
16 providing legal advice to the ombudsman or  
17 to the department that you learned of as an  
18 employee and a leader of the department.

19 THE WITNESS: Yes. Okay.

20 Q. In your role as a legislative  
21 advisor, have you heard from the -- have you  
22 had conversations with the ombudsman where  
23 she relayed that Ms. Chapman was still  
24 preventing the access to certain

1 information?

2 A. Yes. Although, specifics were not  
3 provided. It was more in lines of a general  
4 statement that she was still continuing to  
5 have problems.

6 Q. Okay. Did she relay any  
7 information about conversations where  
8 Ms. Chapman asked her not to disclose  
9 certain information?

10 A. Not to my recollection.

11 Q. Did she disclose how many --  
12 approximately how many conversations she had  
13 had with Ms. -- the ombudsman had had with  
14 Ms. Chapman regarding access to certain  
15 information?

16 A. Not to my recollection. And at  
17 times, it was generally stated Social  
18 Services. And so while Cammie's name may  
19 have come up, Ms. Chapman's name may have  
20 come up, it was Social Services -- I am  
21 having a problem with the leadership of  
22 Social Services.

23 Q. So just to clarify. The  
24 conversations that you were discussing with

1 regard specifically to Ms. Chapman and the  
2 ombudsman took place while you were still a  
3 deputy secretary at DHHR?

4 A. They took place while I was deputy  
5 secretary at DHHR, and they took place while  
6 I was in my role at the legislature.

7 Q. Okay. So in your role at the  
8 legislature, you had conversations with the  
9 ombudsman where she specifically mentioned  
10 Ms. Chapman as not willing to provide access  
11 or being difficult to get access to certain  
12 information due to Ms. Chapman's  
13 interference?

14 A. That's correct.

15 Q. Do you know what type of  
16 information the ombudsman was trying to  
17 access?

18 A. I cannot recall specifically.

19 Q. Okay. And you mentioned another  
20 issue that you spoke to the ombudsman about  
21 is out-of-state placements?

22 A. Uh-huh.

23 Q. What did you discuss with her with  
24 regard to -- or what did you discuss with

1 her with regard to out-of-state placements?

2 A. I reached out to the ombudsman who  
3 does have a great deal of knowledge about  
4 child welfare. At multiple times, both in  
5 the development of the report that I had  
6 prepared for the legislature to just talk  
7 through the issue, to pick her brain for  
8 lack of a better way to say it, ideas she  
9 had that could be incorporated into that  
10 document, and really just fishing for any  
11 issues that she was seeing with respect to  
12 out-of-state placement and inappropriate  
13 placements. We would talk often about it,  
14 not just out-of-state placement but -- and  
15 this is reflected in the report -- the  
16 broader array or spectrum of inappropriate  
17 placements of children.

18 Q. Are the issues that Ms. -- the  
19 ombudsman that she brought to you, are they  
20 also reflected in your report, or are there  
21 any issues that are not reflected in your  
22 report that you discussed?

23 A. I cannot recall specifically.

24 Q. Okay.

1           A. It would have been in the course of  
2 a conversation. It wasn't itemized here are  
3 five items. And then I included those five  
4 items. And, you know, Pam and I would have  
5 policy disagreements ourselves -- you know,  
6 friendly disagreements about Solution X or  
7 Y. But I can't specifically recall.

8           Q. Okay. You had also -- you had  
9 mentioned that you discussed with her the  
10 performance of CPS in the field?

11          A. Yes.

12          Q. What issues did you discuss with  
13 regard to the performance of CPS in the  
14 field?

15          A. Categorically, because there would  
16 have been a multitude of discussions or  
17 conversations -- CPS not properly conducting  
18 an investigation was definitely a category  
19 -- an ongoing category or discussion. Child  
20 protective services workers not being  
21 prepared in court to convey to judges  
22 recommendations on where a child should be  
23 placed or to keep the court and other  
24 parties updated properly on the condition of

1 the child, the situation with the child and  
2 the child's biological family.

3 For example, there was a situation  
4 where there were concerns that visitations  
5 were not occurring between children and  
6 their biological families for the purpose of  
7 reunification because of issues that the  
8 agency was having -- purported issues the  
9 agency was having with providers and --  
10 socially necessary service providers not  
11 being able to do transportation and how that  
12 was causing issues just in the broader  
13 system, causing delays either on  
14 reunification or ultimately severing  
15 parental rights.

16 Q. Anything else?

17 A. Oh, sure. There would have been a  
18 multitude of other situations discussed. I  
19 can't recall any specifically now. But more  
20 or less -- I mean, there were just several  
21 conversations, some via email, some via  
22 conversation on the phone.

23 Q. And when did these conversations  
24 take place?

1 A. Time-wise?

2 Q. Uh-huh.

3 A. They would have been from 2022 all  
4 of the way through to 2024.

5 Q. Are these all -- are the three  
6 issues you mentioned -- four issues you  
7 mentioned, they are all still presently  
8 issues today?

9 A. I can't say that with certainty.

10 Q. Okay. You mentioned CPS not  
11 properly conducting an investigation. What  
12 do you mean by that?

13 A. That there would be a referral to  
14 centralized intake and concerns that these  
15 referrals were being screened out  
16 inappropriately.

17 For example, I recall specifically  
18 talking to her about the percentage of cases  
19 that were being investigated historically.  
20 So you go back to 2017, for example, there  
21 might have been 67, 68 percent of all  
22 referrals investigated. And now, I think  
23 the last time I saw the data, it was 60  
24 point something percent.

1           And so that's a huge number when  
2   you are talking about the volume of  
3   investigations and referrals that the state  
4   receives and a concern that that was -- I  
5   asked her, is there something happening at  
6   the department that is causing centralized  
7   intake to screen out more referrals.

8           Q. Uh-huh.

9           A. Ultimately, those types of  
10   discussions translated into policy  
11   recommendations that the ombudsman would be  
12   given more access to the investigative side  
13   of the child welfare system.

14           There was an effort in 2023 through  
15   legislation to accomplish that. It was then  
16   stated by the ombudsman that they were still  
17   not being provided access because of a  
18   discussion or because of a position by  
19   Ms. Chapman and that -- and then there was  
20   an effort to deal with that this past  
21   session, which in the moment I can't -- I  
22   don't believe actually passed. I don't  
23   think we passed that. In fact, I know it  
24   didn't pass.

1 Q. Uh-huh.

2 A. But there were conversations about  
3 it.

4 Q. Okay.

5 A. And I should -- well, never mind.  
6 I don't want to say.

7 Q. Okay. If I just understand,  
8 because of Ms. Chapman -- you understand  
9 that because of Ms. Chapman, the ombudsman  
10 was not provided with data regarding  
11 investigations and screening out of  
12 investigations; is that correct?

13 A. That was my understanding, yes.

14 Q. And when did you have this  
15 conversation -- this is from a conversation  
16 with the ombudsman who --

17 A. Initially, the discussion would  
18 have likely happened in 2022 because it was  
19 a part of the policy recommendations for the  
20 2023 legislative session. We thought we had  
21 fixed that issue, but then it became  
22 apparent in late 2023 that -- I believe it  
23 was late 2023. It may have been early  
24 2024 -- that this information was still not

1 being provided. And in those latter  
2 conversations specifically, it was mentioned  
3 that Ms. Chapman was a barrier to that.

4 Q. So from conversations as recently  
5 as late 2023, Ms. Chapman -- you learned  
6 that Ms. Chapman was not --

7 A. Early 2024.

8 Q. Early 2024, you learned that  
9 Ms. Chapman was not providing the  
10 investigative data to the ombudsman?

11 A. It was relayed that it was the  
12 interpretation of the department and  
13 Ms. Chapman that the ombudsman would not  
14 have access to that information.

15 Q. And do you have an understanding as  
16 to why they were preventing access?

17 A. I wouldn't want to speculate.

18 Q. So you had said that in 2022, this  
19 was part of the policy recommendations for  
20 the legislative session, is that right, is  
21 to allow the ombudsman access to this data?

22 A. To expand the ombudsman's reach in  
23 terms of what they could and could not  
24 investigate, yes.

1           Q. Okay. And was this specifically --  
2     these policy recommendations specifically  
3     targeted at allowing her access to  
4     investigative data, or was there other data  
5     that you also felt -- or that was felt she  
6     needed to access?

7           A. There was other information, not  
8     triggered by any complaint necessarily, just  
9     my own experience with the system that --  
10    for example, I think we crafted the language  
11    so broadly that it would be inclusive of,  
12    you know, juvenile services and those types  
13    of cases. But yes, it was a part of the  
14    policy recommendations that I provided.

15          Q. So prior to 2022, DOHS was still  
16    not providing this data to --

17          A. Prior to 2022, the code restricted  
18    the access of information. It was really  
19    once the child was in state custody, then  
20    the role of the foster care ombudsman was  
21    kicked into gear. And that was historically  
22    a mistake I think on my part.

23                 You know -- I mean, the genesis of  
24    the ombudsman's office was something I was

1 involved in at the department with the  
2 legislature trying to -- you know, when we  
3 developed it. And at the time, we took the  
4 strategy from Georgia -- because this was  
5 tied to a managed care effort. We took the  
6 strategy from Georgia. And it wasn't  
7 intended to be restrictive, but it did --  
8 ultimately, the language was restrictive.

9           And so that was recognized in 2022  
10 because of cases -- and I don't remember the  
11 specific cases -- but because of cases we  
12 were having, there were lots of complaints.  
13 So we wanted the ombudsman to have access to  
14 the investigative side to provide the  
15 legislature this insight.

16           And then into 2023 legislative  
17 session, as a part of -- a piece of  
18 legislation, we actually passed that  
19 authority that, you know, expanded the scope  
20 of the ombudsman's office, or so we thought.

21           And then through the course of  
22 calendar year 2023, into calendar year '24  
23 -- early '24, at least by early '24 -- and  
24 the conversations may have started late

1 2023, I can't recall. But definitely  
2 conversations were held in early '24 that  
3 the department had this interpretation that  
4 no, that legislation that was passed in '23  
5 did not provide the ombudsman the ability to  
6 access this information, and so -- because  
7 of interpretations. And so more needed to  
8 be done if that was the policy goal of the  
9 legislature. And so we had -- we had a  
10 piece of legislation that would have  
11 accomplished that. But it did not pass.

12 Q. Got you.

13 So it's your understanding that the  
14 department does not want this information  
15 regarding investigative data released to the  
16 ombudsman?

17 MR. LESLIE: Objection. Calls  
18 for speculation.

19 A. Yeah. I could only speculate. I  
20 don't know for sure.

21 Q. All right. You had also discussed  
22 that you -- or you mentioned that you  
23 discussed provider issues with the  
24 ombudsman. What do you mean by provider

1 issues?

2 A. It would -- it would cover a  
3 multitude of different areas, ranging from  
4 providers not performing per policy and  
5 contract to payment and rate issues to the  
6 structure of our child residential system,  
7 and likely other issues as well.

8 Q. And what did you discuss with  
9 regard to the child residential system?

10 A. I relayed to the ombudsman my  
11 concerns. And I wanted her impression and  
12 thoughts on both the state of the current  
13 child residential infrastructure and the  
14 department's plan to reform that  
15 infrastructure moving forward.

16 Q. And what were your concerns?

17 A. My concerns are that the strategy  
18 runs the risk of deteriorating the level one  
19 and level two child residential placement  
20 infrastructure by undercutting the  
21 reimbursement methodology for those current  
22 placements. And that without an appropriate  
23 continuum of care for alternative placements  
24 established, that that could result in

1 children being either inappropriately placed  
2 at higher levels of care than they needed,  
3 left in situations at lower levels of care  
4 that may not be appropriate for them either  
5 or sent out of state.

6 Q. And what is the department's plan  
7 that you think would cause the level one and  
8 level two to deteriorate?

9 A. Well, it's a very large strategy.  
10 So there is a number of components to it.  
11 But specifically, the Bureau For Medical  
12 Services has a state plan that lays out how  
13 Medicaid will reimburse child residential  
14 providers as a part of a formula. And my  
15 fear is that once the department -- if CMS  
16 were to approve this unwinding of that  
17 reimbursement methodology, that there will  
18 not be a sufficient revenue source to  
19 maintain that infrastructure of level one  
20 and level two.

21 Q. And what happens if there is no  
22 level one and level two facility for a child  
23 who would otherwise be in a level one or a  
24 level two facility?

1           A. There is risk that a child could be  
2 left in a placement that is inappropriate or  
3 actively placed in a placement that is  
4 inappropriate for their needs. And that  
5 would cover a range of possibilities from  
6 out of state, to being left in juvenile  
7 services, to remaining in an acute care  
8 hospital, to being at a higher level of  
9 placement, to lingering in an emergency  
10 shelter, to being left in a foster placement  
11 frankly that may not -- may be deteriorating  
12 and may not be appropriate for the child.

13           Q. And who is proposing this plan?

14           A. The Department of Human Services.

15           Q. Why are they proposing this plan?

16                   MR. LESLIE: Objection. Are you  
17 asking if he has been told why, or are you  
18 asking him to speculate?

19                   MS. TEBOR: I am asking him if  
20 he knows why.

21           A. It has been testified and stated  
22 that the department wants to ensure that  
23 children with higher acuity needs are  
24 receiving the appropriate placement. And so

1 for level three and your PRTFs - level 3.5  
2 unofficially - that West Virginia currently  
3 doesn't have a sufficient infrastructure to  
4 care for those kids. And that is accurate.  
5 And so it has been stated that the goal is  
6 to ensure we do have those placements. That  
7 has been -- I mean, that's a summary. But  
8 that's been publicly stated.

9 Q. And is this in connection -- are  
10 you familiar with the DOJ MOU?

11 A. I am.

12 Q. And is this plan in connection with  
13 the DOJ MOU, to your knowledge?

14 A. That has been stated, yes.

15 Q. And what was stated about it being  
16 in connection with the DOJ MOU?

17 A. I can't recall specifically.

18 Q. You said this was a plan. Do you  
19 know when this plan is set to be enacted?

20 A. The initial start date was reported  
21 to the legislature to be July 1st. It's my  
22 understanding that that has since been  
23 pushed back. I believe -- I am not certain,  
24 but I think it is October. But I do not

1 know for sure. Within the last month or  
2 last 30 days, I should say, there was a  
3 medical services advisory council meeting  
4 where the Medicaid state plan amendment was  
5 discussed. And as a part of Medicaid  
6 process from the point from which Medicaid  
7 submits that to CMS, there is a 90-day clock  
8 that CMS has to respond. So CMS could  
9 respond day one, or they could wait the  
10 90 days, or they could actually pause for  
11 the purpose of questions in the middle of  
12 that process and it goes beyond 90 days.

13 Q. Okay. And did the ombudsman share  
14 your concerns about this plan in terms of  
15 the level one and level two facilities?

16 A. No, not necessarily.

17 Q. All right. And you had also  
18 discussed -- an issue that you discussed  
19 with the ombudsman was the type of info  
20 access -- which we talked about the  
21 structure of the government -- of the  
22 ombudsman either within OIG or within DHHR.  
23 Can you discuss what you meant by that?

24 A. I'm sorry. Can you repeat that?

1           Q.   Sure.  You had mentioned that you  
2   had discussed with the ombudsman the  
3   structure of the ombudsman office and who  
4   they report to?

5           A.   Uh-huh.

6           Q.   Is that right?

7           A.   Yes.

8           Q.   Okay.  What did you mean by that?

9                   MR. PEISCH:  I'm just going to  
10   object again on the similar grounds of  
11   attorney/client privilege, attorney work  
12   product and deliberative process privilege.  
13   I just want to make sure this question is  
14   about discussions he had while he was in the  
15   legislature and not while he was at DHHR.

16                   MS. TEBOR:  These are also  
17   discussions with the ombudsman, not  
18   necessarily with any attorney present.

19                   MR. PEISCH:  But it may involve  
20   advice from attorneys.  If he was at DHHR,  
21   it wouldn't have been waived when it was  
22   conveyed to him.

23           A.   Can you please restate the  
24   question?

1 Q. Sure.

2 You had said that you had  
3 discussions with the ombudsman about the  
4 structure of the ombudsman's office and who  
5 the ombudsman reports to; is that right?

6 A. Correct. Correct.

7 Q. Okay. And I am asking what those  
8 discussions were about?

9 A. So my time at the legislature, the  
10 discussions were really her conveying that  
11 her experiences with these conflict of  
12 interest situations and -- just a concern.  
13 There wasn't a recommendation that I can  
14 recall provided by the ombudsman. I  
15 translated those concerns into a  
16 recommendation and discussions with others  
17 for the purposes of, you know, policy  
18 making.

19 Q. Okay. And what was your  
20 recommendation?

21 A. That the Office Of Inspector  
22 General be taken out or separated from the  
23 Department of Human Services and the  
24 reorganization and that language be included

1 that would clarify that no undue influence  
2 should be applied to not just the child  
3 welfare ombudsman but to any entity under  
4 the authority of the inspector general.

5 And there were also recommendations  
6 around how to structure that office in the  
7 reorganization so as to be financially  
8 efficient. And so that's why it ultimately  
9 was placed under the umbrella of the  
10 Department of Health, which -- again, your  
11 Social Services, Medicaid, Behavioral  
12 Health, those agencies are in a separate  
13 department -- but that it would be able to  
14 access the Office of Shared Administration  
15 for HR support, purchasing support, IT  
16 support, financial accounting support, et  
17 cetera, without having to spin it off as its  
18 own separate department, which had been  
19 discussed as a possibility.

20 There was also discussion - and it  
21 evolved over time - of how other states were  
22 structured. And so it was discovered that  
23 the state of Maryland had perhaps  
24 experienced something similar. I don't know

1 why they structured it the way they did.

2 But the output was that the inspector  
3 general was appointed by the governor  
4 directly and served a term as opposed to  
5 being appointed by the cabinet secretary for  
6 the Department of Health.

7 And so having that appointment and  
8 having that term, even after the  
9 appointment, the thought was, well, if the  
10 -- if any one of these offices within the  
11 inspector general identifies an issue, be it  
12 child welfare ombudsman, mental health  
13 ombudsman, OHFLAC, et cetera, that inspector  
14 general will not experience the same level  
15 of pressure because they can only be removed  
16 for cause. And so that's ultimately where  
17 we tried to land.

18 We did have to go back this 2024  
19 session and re -- you know, basically  
20 restate that independence because there were  
21 concerns that we had not gone far enough in  
22 the 2023 DHHR reorg.

23 Q. Okay. And these policy  
24 recommendations and this legislation is in

1 response in part to what we discussed  
2 before, which is pressure by at least Bill  
3 Crouch and Ms. Chapman to not disclose  
4 certain issues or to -- and to prevent  
5 access to certain information; is that  
6 right?

7 A. That is correct. It's not  
8 exclusively that, but that is -- that was  
9 definitely a part of it.

10 Q. Okay. I wanted to ask about the  
11 circumstances of your departure from the  
12 Department of Human Services.

13 MS. TEBOR: I'm going to mark  
14 this as Exhibit 1.

15 (Exhibit 1 was marked.)

16 Q. Mr. Samples, this was a document  
17 that you produced to us, correct?

18 A. That is correct.

19 Q. Okay. And what is this document?

20 A. This reflects a statement that I  
21 provided to the media after I left DHHR.

22 Q. Before we get into the document,  
23 could you just tell us a little bit about  
24 the circumstances under which you left DHHR?

1           A. Sure. There had been ongoing, for  
2 a couple of years, a significant number of  
3 policy disagreements that I was having with  
4 the then cabinet secretary, Bill Crouch.  
5 And ultimately -- ultimately, you know, I  
6 had had conversations with several  
7 policymakers about the problems, was being  
8 asked -- a multitude of different  
9 policymakers asking me questions about the  
10 problems we were facing, wanting  
11 information, why X or Z was happening. And  
12 my relationship with Mr. Crouch just  
13 continued to deteriorate probably from 2019  
14 forward for a whole host of issues,  
15 categorically some of those listed in this  
16 statement.

17           On the day that Mr. Crouch told me  
18 that I was to be terminated, I was in a  
19 meeting with then Commerce Secretary Gaunch,  
20 and we were discussing policy issues. And I  
21 received a call during that meeting, or a  
22 text, I can't recall, from the secretary to  
23 stop by his office that afternoon.

24           When I got back to the office, I

1     went into his office at the time we agreed  
2     on, and Ms. Angie Ferris -- I think that's  
3     her name, the HR director, yeah -- and April  
4     Robertson and Secretary Crouch were there.  
5     I sat down. Within 30 seconds, Mr. Crouch  
6     said, Jeremiah, we are going to terminate  
7     you.

8                 I immediately stood up, and I told  
9     him, I am just going to stop you right  
10    there. I am going to go make a few phone  
11    calls. And he was like, What do you mean?  
12    I think he seemed -- I mean, he seemed very  
13    surprised I think by my reaction.

14                I was like, I am just going to go  
15    make a few phone calls. You do what you  
16    have to do. And then I went back to my  
17    office. I called the Chief of Staff. I  
18    called some legislative leadership. And  
19    Chief of Staff asked me to come up to his  
20    office.

21                In the meantime, Mr. Crouch came  
22    back to my office and tried to hand me the  
23    termination document. I told him just to  
24    keep it. And then I went up to the Chief of

1 Staff's office and had a conversation with  
2 him. He told me to sit tight, wait till --  
3 try to figure out what is going on, give him  
4 the weekend, but try to -- he was already  
5 getting calls from legislators, is what he  
6 was saying, that he was getting blown up  
7 about this on the phone, and so just please  
8 just try to refrain from saying anything to  
9 the media or to any additional legislators.

10 So I went home. And that evening,  
11 I saw that it had been leaked to the media.  
12 And to this day, I don't know by whom. You  
13 know, I had a speculation about that. And  
14 then the next day, I had some additional  
15 conversations with the Chief of Staff and  
16 with several legislators about next steps.

17 And then I started preparing a  
18 statement. I can't recall exactly when I  
19 sent the statement out. I think it was  
20 within a week, but I can't -- I am not  
21 certain. Which this is that statement.

22 Q. Uh-huh.

23 Okay. You said you were having  
24 policy disagreements with Secretary Crouch

1 with respect to child welfare. I know there  
2 are other issues that you list in your  
3 letter. But with respect to child welfare,  
4 what were those policy disagreements?

5 A. And some of it is interrelated,  
6 some of these other issues. There had been  
7 significant problems that West Virginia was  
8 facing with disabled populations being  
9 abused, sometimes heinously, to the point of  
10 death. We had a Child Protective Service  
11 vacancy rate that was historically terrible.  
12 And so we had disagreements on how to react  
13 to those two areas of issue.

14 There were issues related to the  
15 system -- or child welfare system and the  
16 implementation of a new integrated  
17 eligibility system, which included the child  
18 welfare information system as a part of it.  
19 There were problems with that.

20 We had disagreements over budgetary  
21 priorities as it related to child welfare.  
22 Specifically, I contended that money should  
23 be shifted to that --

24 MR. PEISCH: I'm going to object

1 to that answer and ask you not to answer on  
2 the grounds of deliberative process  
3 privilege. Any advice that you provided to  
4 Secretary Crouch, pre-decision on a policy  
5 decision of the department, we object on the  
6 deliberative process privilege grounds.

7 MS. TEBOR: I'm sorry. Can you  
8 explain why you believe that's deliberative  
9 process privilege grounds?

10 MR. PEISCH: While at the time  
11 Deputy Secretary Samples was employed by  
12 DHHR, any advice that he provided to  
13 Secretary Crouch that was pre-decisional and  
14 deliberative would be covered by the  
15 deliberative process privilege.

16 So, for example, any advice that he  
17 provided on a potential policy decision, if  
18 he provided that advice to make that policy  
19 decision before that policy decision was  
20 made, that would be covered by deliberative  
21 process privilege.

22 MS. TEBOR: Plaintiffs would  
23 disagree with you. Obviously, we have a  
24 disagreement on deliberative process

1 privilege. I understand that you have this  
2 objection. We will discuss and we may need  
3 to go to the court on that issue.

4 MR. PEISCH: Okay.

5 Q. All right. You had mentioned that  
6 you had disagreements about your budgetary  
7 priorities. Any other disagreements that  
8 you had?

9 A. We had disagreements over the  
10 caseload standards for CPS.

11 MR. PEISCH: Again, I'm going to  
12 raise the same objection. We don't object  
13 to you mentioning the issues you have a  
14 disagreement about. But when you get into  
15 advice to Secretary Crouch, which you have  
16 not gotten into, we will object.

17 THE WITNESS: Okay.

18 MR. LESLIE: Off the record just  
19 a second.

20 (A discussion was held off the  
21 record.)

22 (Break in proceedings.)

23 MS. TEBOR: We are back on the  
24 record.

1 BY MS. TEBOR:

2 Q. Mr. Samples, during the break, did  
3 you have conversations with your attorney  
4 about this deposition?

5 A. No, ma'am.

6 Q. All right. Looking at the document  
7 marked as Exhibit 1. Okay? And you have  
8 testified that this is the statement that  
9 you gave upon your departure from DHHR; is  
10 that correct?

11 A. Yes, ma'am.

12 Q. All right. And you say four  
13 paragraphs down that DHHR has struggled to  
14 make and even lost progress in many critical  
15 areas. Do you see that?

16 A. Yes, ma'am.

17 Q. And what did you mean by that?

18 A. I felt as if and feel as if there  
19 had been progress lost in substance use  
20 disorder policy, budgetary containment,  
21 certainly child welfare, protection of the  
22 disabled, as specific examples.

23 Q. And with regard to child welfare,  
24 what did you believe was the progress that

1 had been lost?

2 A. At the time, certainly the  
3 workforce -- child protective services  
4 workforce and broader child welfare  
5 workforce issues were -- the state was just  
6 in a bad place historically. There were  
7 just complaints at the time -- some have  
8 continued -- around CPS workers not  
9 performing their duties appropriately.  
10 There were issues with cases not being  
11 properly investigated. And those complaints  
12 were growing at the time. The provider  
13 infrastructure at the time was very weak,  
14 and there were a number of consequences to  
15 that for children.

16 Q. When you say CPS not doing their  
17 duties, what do you mean by that?

18 A. CPS workers going to court and not  
19 being prepared to answer questions. CPS  
20 workers not responding to foster parents'  
21 requests on a whole number of issues. Just  
22 simply not responding. Not that they don't  
23 have an answer when they do respond, they're  
24 just not responding.

1                   Investigations being screened out.  
2    A growing -- at the time, a growing number  
3    of complaints from individuals that are  
4    mandatory reporters, specifically  
5    schoolteachers and those folks, that CPS was  
6    not being responsive. Some concerns from  
7    law enforcement that have been stated in and  
8    around this time that CPS was not properly  
9    responding to cases.

10           Q. Do you have an understanding of  
11    what led to these issues in CPS, whether it  
12    was training or caseloads or other --

13           A. Child welfare policy is very large.  
14    There's other aspects to it. I think it is  
15    one of the most complicated areas of policy  
16    in government because of the number of  
17    different agencies and regulations, state  
18    and federal, that are entailed.

19           But my contention was then, and  
20    continues to be, that West Virginia's  
21    primary problem is not policy. There's  
22    certainly policies we can improve upon or  
23    not, but there's different opinions about  
24    those. But it's the execution of policy.

1 And if we would simply just execute policy  
2 and the law, then our child welfare  
3 situation would be in a much better  
4 situation.

5           There is also the ongoing substance  
6 use disorder crisis that has -- well,  
7 certainly had an impact on the child welfare  
8 system. I mean, West Virginia has led the  
9 nation since 2010 in fatal overdose deaths.  
10 And that number has grown exponentially  
11 worse. And since 2017, it has grown  
12 exponentially worse specifically.

13           And so the child welfare system, if  
14 you trend it on a graph, you can follow  
15 those lines where there's a lot more cases  
16 where children are taken into state custody.  
17 Our entry rate, the last time I checked, was  
18 85 to 90 percent higher than the next worst  
19 state. And I think we -- the entry rate for  
20 West Virginia was 330 plus percent higher  
21 than the national average. And yet we still  
22 had concerns on the other side of the system  
23 that we weren't properly conducting all of  
24 the investigations that we should or making

1 determinations in cases that were  
2 investigated where you would substantiate  
3 abuse and neglect that we should.

4 And so it just -- the system is  
5 overwhelmed and has been for several years  
6 now. And I believe that the policy fix is  
7 really around the -- around accountability  
8 and transparency as opposed to any specific  
9 lever that could be pulled that would  
10 magically fix the system. It doesn't matter  
11 what policies you try, A, B or C, if you  
12 have transparency and accountability, then  
13 you can course correct as appropriate  
14 quickly. And West Virginia is a small state  
15 relatively speaking. I think that we can  
16 adjust course more quickly than a Texas,  
17 Florida, California, et cetera. But we have  
18 to be transparent and hold ourselves  
19 accountable to accomplish that.

20 And that was the purpose of this  
21 statement as it related to child welfare,  
22 the statement to the press. And it's why I  
23 continue to work in government.

24 Q. And you discuss that it's not the

1 policy, but it's the implementation of the  
2 policy. Who is responsible for implementing  
3 the policy?

4 A. Well, there are a number of  
5 factors. But child protective services is  
6 managed by the Bureau for Social Services  
7 and the Department of Human Services,  
8 formerly DHHR.

9 Q. In terms of accountability and  
10 transparency -- you testified earlier that  
11 at least with respect to Mr. Crouch and  
12 Ms. Chapman and the ombudsman, they did not  
13 want certain information to be more  
14 transparent; is that right?

15 A. I don't want to specifically state  
16 with respect to Ms. Chapman, but certainly  
17 Mr. Crouch.

18 Q. But you had testified that  
19 Ms. Chapman had conversations with the  
20 ombudsman about and had -- the ombudsman had  
21 had conversation -- strike that. Strike  
22 that.

23 Okay. And so with regard to the  
24 CPS, you know, not doing their duties, did

1 you have conversations with Mr. Crouch about  
2 that issue?

3 A. Yes, ma'am.

4 Q. And what was his position on CPS  
5 not doing their duties?

6 MR. PEISCH: I am going to  
7 object and instruct the witness not to --  
8 only and to the extent these were  
9 discussions about specific policy decisions  
10 and they were deliberative conversations  
11 about policy decisions.

12 MS. TEBOR: And you can object.  
13 Plaintiffs argue that if it's Mr. Crouch's  
14 -- you know, he is just relaying  
15 Mr. Crouch's opinion on these matters.

16 MR. PEISCH: If it is the part  
17 -- you know, if it's part of a policy-making  
18 discussion and it's a deliberative  
19 conversation relating to policy making, it  
20 is covered by deliberative process  
21 privilege.

22 Q. Was there a policy -- I will ask  
23 this. Was there any policy that was  
24 implemented as a result of your

1 conversations with Mr. Crouch regarding CPS  
2 not doing their duties?

3 A. Yes.

4 Q. What were those policies?

5 A. More than I could relay in a  
6 conversation. I just couldn't remember all  
7 of them. We were continually working from  
8 the day he started on child welfare policies  
9 and having discussions around those  
10 policies. It's a challenge for me to answer  
11 specifically because of the deliberative  
12 nature of those discussions. I mean, I am  
13 happy to, but that's really for you all and  
14 I guess the court to figure out.

15 MS. TEBOR: Counsel, I want to  
16 clarify. Are you going to make this  
17 objection to any and all conversations  
18 between Mr. Crouch and Mr. Samples while  
19 Mr. Crouch was deputy secretary?

20 MR. PEISCH: No, not all. For  
21 example, I did not object to the  
22 conversations about the reason for his  
23 employment termination. But if there are  
24 discussions about policy decisions and they

1 are before the policy decisions had been  
2 made, then yes, we will object.

3 MS. TEBOR: If they are  
4 discussions about any issue with regard to  
5 child welfare, would you take the position  
6 that there may or may not have a been a  
7 policy decision and thus you would claim  
8 deliberative process privilege?

9 MR. PEISCH: It depends on the  
10 context of the conversation. I can't  
11 imagine a hypothetical conversation that did  
12 not involve the policy decision. But it  
13 depends on what the conversation is about.

14 MS. TEBOR: All right. We will  
15 continue asking the questions. I understand  
16 that you may continue to object. And we  
17 will make a record and likely go to the  
18 court.

19 MR. PEISCH: Okay.

20 Q. I wanted to go back. You had said  
21 that there was also an issue with cases not  
22 properly investigated. What do you mean by  
23 that?

24 A. Cases where referrals were screened

1 out at the point of centralized intake with  
2 questions around whether or not that was or  
3 was not appropriate. Cases where an  
4 investigation may have occurred, perhaps  
5 multiple instances where CPS would have gone  
6 out and investigated but not substantiated.  
7 And then subsequent to those -- that event  
8 or series of events, a tragedy occurs or  
9 other information comes out that would lead  
10 one to believe that how could this  
11 information have been missed in a proper  
12 investigation.

13 Situations where workers had a  
14 responsibility to -- maybe it was an active  
15 case -- a worker would have a responsibility  
16 to go out and check on a child, failed to do  
17 so, a tragedy occurs.

18 Q. Again, same question. Do you have  
19 an understanding of why this was occurring  
20 and whether -- were there any studies done  
21 or any investigations into why these  
22 investigations were done improperly, whether  
23 it was because of caseloads, training or  
24 other?

1           A. There were a multitude of efforts  
2 undertaken to address these issues in an  
3 ongoing fashion.

4           Q. And what were those efforts?

5           A. I wouldn't be able to provide an  
6 exhaustive list. But examples would include  
7 -- for example, with respect to situations  
8 in Kanawha County, we had put together a  
9 fairly lengthy list of -- I believe it was  
10 20 plus items -- but I can't recall the  
11 specific number of strategies -- to improve  
12 how CPS interacted with the courts and how  
13 the office worked from an efficiency  
14 perspective. That occurred under Secretary  
15 Crouch, his tenure.

16           There were similar situations in  
17 the Eastern Panhandle where again a  
18 multitude of different strategies were put  
19 on the table both from the perspective of  
20 finding ways to add additional staff to  
21 improving the efficiency of those offices.

22           There was a study conducted related  
23 to CPS and child welfare workforce, I  
24 believe it was with West Virginia University

1 -- although I can't exactly recall, but I  
2 think it was with the university -- to look  
3 at caseload standards and strategies around  
4 the CPS workforce, and a multitude of others  
5 that I am sure if I sat long enough could  
6 think through some of those. It was an  
7 ongoing -- it was an ongoing effort.

8 Q. Are you aware of whether the  
9 problems with investigations being done  
10 improperly remains an issue today?

11 A. I believe it remains a problem  
12 today.

13 Q. And how do you come to that  
14 knowledge?

15 A. It is anecdotal for the most part.  
16 As I walked in here this morning, I read an  
17 article about a child in Boone County that  
18 -- and this is only a press report -- that  
19 it appears was starved to death over the  
20 course of two years. And there are other  
21 cases like that -- heinous things.

22 And so if those -- if those -- and  
23 I don't know if CPS was involved or not. I  
24 mean, there's a lack of clarity frankly that

1     how would we know, you know, in my official  
2     position or how would the public know?

3             There is just not enough  
4     transparency in the system to fill some  
5     level of assurance that while tragedies will  
6     always happen, at least we did our best as a  
7     state and a government to address them. And  
8     I don't believe we are at that stage right  
9     now.

10            Q. Okay. You had also said there were  
11     issues with the provider infrastructure that  
12     was insufficient. What did you mean by  
13     that?

14            A. West Virginia has an insufficient  
15     number of home community-based service  
16     providers. The number of -- well, I  
17     shouldn't say the number. But the  
18     functional capacity of our socially  
19     necessary service providers has been a big  
20     issue over the past two years. The  
21     placement infrastructure, both on the foster  
22     parent side, but also children that may have  
23     an acute psychiatric or behavioral issue,  
24     the state's infrastructure for those

1 functions is inadequate to put it lightly.

2           We have an insufficient -- to my  
3 knowledge, an insufficient number of  
4 emergency shelter beds. We have an  
5 insufficient number of psychological  
6 residential treatment facility beds, an  
7 insufficient number of acute psych beds to  
8 my knowledge. And so there are broad  
9 infrastructure issues that need to be  
10 addressed.

11           Q. And the provider infrastructure  
12 issue, that's one that you felt you had --  
13 DHHR had lost progress on when you wrote  
14 this letter in 2022?

15           A. In some areas, I felt like we had  
16 lost progress. In other areas, progress was  
17 being made but not sufficient to where I  
18 thought we needed to be at that point in  
19 time.

20           Q. Okay.

21           A. For example, the wraparound  
22 services, these in-home community-based  
23 services, I was not pleased with how much  
24 progress we had made. I felt like we should

1 have made more. And I felt like we should  
2 have at a county level broken down the  
3 availability of providers, which was  
4 something that I had -- well, maybe I am out  
5 of bounds by saying that -- but something  
6 that I had pushed for.

7 I think that we had made -- and I  
8 say "we." Me too. I look in the mirror on  
9 this stuff and think about it all of the  
10 time. I think we had made mistakes in terms  
11 of allocation of our resources and should  
12 have allocated more towards the child  
13 welfare realm of policy just opposed to some  
14 other areas of policy that investments were  
15 being made.

16 So yeah, I mean, I just had broad  
17 concerns including the infrastructure of  
18 providers in the state at this time.

19 Q. And in terms of the wraparound  
20 services, was that something that you felt  
21 Mr. Crouch could have done more to help that  
22 to progress?

23 A. I believed at the time and still  
24 believe that we could have all done more to

1 advance those policies more aggressively.  
2 That is not to say that I didn't think  
3 progress had been made. I think a lot of  
4 folks did a lot of great things. But within  
5 the context of the department at times --  
6 and maybe this was a problem of my own -- I  
7 mean, I always tried to bring folks back to,  
8 are we solving the actual problem? Is the  
9 outcome better? And those are tough  
10 conversations to have in leadership. And I  
11 was very vocal about stating that I did not  
12 think we were making enough progress in this  
13 area and the others listed in this  
14 statement.

15 Q. When you say you were very vocal,  
16 who were you talking to that you were very  
17 vocal about the amount of progress not being  
18 made?

19 MR. PEISCH: Objection.  
20 Deliberative process privilege.

21 MR. WALTERS: You're going to  
22 assert the privilege over the individuals he  
23 spoke with?

24 MR. PEISCH: I will not assert

1 the privilege over -- yes. Actually, I will  
2 assert the privilege over that because he  
3 has just testified to what he has been  
4 saying and what his position is. And I  
5 think she is asking him to say who did you  
6 convey that specific message to.

7 Q. Did you talk to Bill Crouch about  
8 that progress was not made in those specific  
9 areas?

10 MR. PEISCH: Objection.  
11 Deliberative process privilege.

12 Q. When you said that you believed  
13 that the budget could have been allocated  
14 differently with respect to child welfare,  
15 can you explain a little more what you meant  
16 by that?

17 A. I would state during this time  
18 frame and in this document here when I  
19 created this statement that at the time --  
20 you know, West Virginia had roughly  
21 7.7 billion dollars invested - state,  
22 federal, special revenue - in DHHR. And it  
23 was my contention that we were spending  
24 inordinate amounts of money on projects that

1     were not as critical as child welfare and on  
2     populations that frankly were not as  
3     vulnerable as foster children or children  
4     that could prospectively be foster children.  
5     And I still contend that.

6           Q.   What, if you recall, were some of  
7     the projects that you felt the money was  
8     being spent on that should have gone to  
9     child welfare?

10          A.   Specifically, there were  
11     conversations around the department's  
12     expenditures on tobacco cessation policy, I  
13     recall as one -- of maybe several examples  
14     where the state was making an investment.  
15     We were not getting a return on that  
16     investment.   And I felt like we should free  
17     up that money and push it toward child  
18     welfare.

19          Q.   Do you know how much money was  
20     spent on the tobacco expenditure?

21          A.   I think at the time it was -- from  
22     a 7.5 billion dollar prospective de minimis,  
23     it was like 500,000.   But it was part of a  
24     broader discussion.   And there were other

1 programs like that that were mentioned. I  
2 had advocated for process that had been  
3 conducted previous to this administration,  
4 but to go through all of our expenditures  
5 and prioritize based on the importance of  
6 the function or service that was being  
7 provided. And then for those items that  
8 were at the bottom of that list, if there  
9 were statutory requirements, that we do it,  
10 then that we go to the legislature and say  
11 we would propose to spend our money, the  
12 money allocated or appropriated to us on  
13 those other priorities instead.

14 I say this with the recognition and  
15 fact that West Virginia over the past  
16 several years in a row has spent more on  
17 child welfare than at any point that it had  
18 in previous history. It wasn't that there  
19 was no investment or even substantial  
20 investment. It was just that I felt like  
21 there were efforts, programs, projects that  
22 we -- that simply just weren't as high a  
23 priority as these and that we should shift  
24 that even additional money to it.

1           A similar issue materialized over  
2   the workforce crisis. And I contended that  
3   vacancy rates throughout the department --  
4   you know, DHHR at the time -- you had child  
5   support enforcement, behavior health,  
6   Medicaid, CHIP, family assistance, you know,  
7   Office of Drug Control Policy, Social  
8   Services, and enormous central bureaucracy.  
9   All of those areas had -- and the health  
10   facilities -- and the health facilities.  
11   All of those areas had varying degrees --  
12   varying degrees of vacancy rates.

13           Some of those positions,  
14   substantial amounts, were -- positions were  
15   vacant for over a year. And while some of  
16   those bureaus and programs continued to  
17   advocate for those positions, I felt like  
18   they should be shifted within our budget and  
19   personal service lines to CPS specifically.  
20   And that conversation continued through my  
21   time at the department in 2022 through the  
22   session.

23           Q. Did anything happen as a result of  
24   those conversations?

1 A. It did.

2 Q. What happened?

3 A. I worked with the governor's office  
4 and Chairman Tarr to have the governor  
5 dictate to the department, contrary to the  
6 secretary's position, that --

7 MR. PEISCH: Objection.  
8 Deliberative process privilege.

9 You can keep going. What I think is  
10 covered by the deliberative process  
11 privilege, you've already said.

12 THE WITNESS: Oh, okay. I'm  
13 sorry.

14 A. Contrary to the secretary's  
15 position, the department --

16 MR. PEISCH: Same objection.

17 A. There was a public document created  
18 by the governor's office directing the  
19 agency to find additional funds for Child  
20 Protective Services. And I worked with  
21 various individuals frankly behind the  
22 secretary's back to make that happen.

23 Q. And when was this that this  
24 directive came from the governor's office?

1           A. It was at the end of the 2022  
2 legislative session.

3           Q. And what was Secretary Crouch's  
4 response when this directive came down?

5           A. He was -- I don't know. I mean, he  
6 was I think very frustrated at me and  
7 speculated that I had worked on this with  
8 Commissioner Pack and others to make it  
9 happen. But he initially really didn't say  
10 much to me about it.

11           Subsequent to that, when the  
12 department began enacting the strategy --  
13 ultimately what the policy hinge was should  
14 the legislature allocate more money to the  
15 department for this purpose or does the  
16 department have sufficient funds in various  
17 personal service lines to shift to this  
18 purpose, these vacant positions, just move  
19 the personal service money to CPS for X, Y  
20 and Z, increase rates, more CPS workers, all  
21 of the various things.

22           And so those -- that process  
23 actually began. And basically the secretary  
24 was kind of freezing me out. I was pressing

1 our financial accounting staff to get this  
2 done. I had worked on similar projects in  
3 the past, and so I had some familiarity how  
4 to get it done and knew where a lot of the  
5 vacancies were. But it wasn't too long  
6 after the end of the session that he  
7 terminated me. So in hindsight, I  
8 understand why he was kind of boxing me out  
9 of the strategy.

10 Q. Just to clarify. The directive  
11 that came from the governor said what?

12 A. It stated that the department --  
13 and I am paraphrasing and can look at the  
14 actual document. I know it still exists out  
15 there somewhere -- that the department was  
16 given the flexibility to shift personal  
17 service funds to achieve X -- you know, to  
18 achieve this goal for child welfare, was the  
19 material impact.

20 Q. Okay.

21 A. And that was testified to -- it was  
22 like a two-day period during session where  
23 there was a bill before the Senate Finance  
24 Committee when I was at the department where

1 the night previous, the secretary had  
2 opposed this strategy upon questioning from  
3 the finance chair. And then the directive  
4 came out that night. And then the next day,  
5 he testified that he would proceed with that  
6 strategy. I think it was the next day. It  
7 may have been the day after. But I believe  
8 it was two days in a row.

9 Q. Why did he oppose the strategy?

10 MR. PEISCH: Objection.  
11 Deliberative process privilege.

12 MS. TEBOR: He spoke in front of  
13 the legislature about opposing --

14 MR. PEISCH: Oh, you're asking  
15 what he said in front of the legislature  
16 or --

17 MS. TEBOR: Well, let's do both.

18 Q. What did he say to the legislature  
19 about his opposition?

20 MR. PEISCH: I don't object to  
21 that.

22 A. This would be archived and could be  
23 looked up. So I am -- just going from  
24 memory, I don't know exactly. I can't

1 recall exactly. But in general, it was that  
2 these other positions are important too.  
3 And we can't syphon from these other areas  
4 for this purpose.

5           It was also stated that we have  
6 done so much. We have, you know, increased  
7 -- I think he testified 20 percent the  
8 salaries for CPS and went through kind of  
9 this checklist of things that we had done --  
10 we had in fact done and said, you know,  
11 basically -- I can't remember if he said  
12 publicly that it had not materialized as  
13 having a positive impact or not, if that --  
14 but I think he did say that.

15           But the bottom line was that we  
16 were under water. We had I think at the  
17 time 33 or almost 33 percent vacancy rates  
18 in CPS. It was -- it was just a five-alarm  
19 fire crisis.

20           The other thing he argued was the  
21 denominator enumerator. So our vacancy rate  
22 may be higher, but that the actual number of  
23 CPS workers was greater than let's just say  
24 2016, you know, before he was in as

1 secretary, the actual number of CPS workers  
2 was more. And so the vacancy rates -  
3 compared over time - it was sort of apples  
4 to oranges. That's my -- that's my  
5 recollection of what was stated.

6 Q. You disagreed with Secretary  
7 Crouch's opposition to this reallocation; is  
8 that right?

9 A. I did.

10 Q. And why did you disagree?

11 A. Because we were facing historically  
12 high vacancy rates. And there were  
13 complaints from a host of different  
14 stakeholders that CPS was not sufficiently  
15 staffed -- crisis -- not staffed -- had a  
16 crisis level.

17 The time to begin an investigation  
18 -- you know, those metrics that are  
19 measured across states, West Virginia was --  
20 I think Alaska was the only state worse.  
21 And, you know, they have to fly in  
22 sometimes. It was just egregious.

23 Judges all over the state -- and I  
24 knew and know a lot of judges, circuit

1 judges. So they would call with, you know,  
2 you guys got to get this fixed. Legislators  
3 were upset. It was just -- it was a serious  
4 problem. And despite what we had done, I  
5 felt like we had not done enough. It  
6 doesn't matter what you've done, it matters  
7 did we solve the problem? The problem  
8 wasn't yet solved.

9 So I felt like whatever we needed  
10 to do, if the legislature is going to  
11 allocate more money or we need to shift  
12 money. And it appeared the easiest path was  
13 for us to shift money from these historical  
14 vacancies. That was the fastest way to get  
15 from A to B.

16 Q. And Secretary Crouch disagreed with  
17 you?

18 A. He did.

19 Q. Okay. And why did he disagree with  
20 you?

21 A. Speculation.

22 MR. PEISCH: Objection.

23 Deliberative process privilege.

24 MR. WALTERS: This is after the

1 policy has already been implemented.

2 MR. PEISCH: Yeah. So if it's  
3 discussions after, that's fine. But if you  
4 learned of that information during decisions  
5 before the policy was made, we object. I  
6 think he's already testified to what  
7 Secretary Crouch technically said,  
8 so ...

9 Q. Well, you said he was frustrated to  
10 have -- when he found out about the  
11 directive from the governor. Do you have an  
12 understanding of why he was frustrated and  
13 did not want the directive?

14 A. I think it became -- it was between  
15 he and I, I felt like, an ego situation,  
16 that because Jeff Pack and I were pushing  
17 for this and not -- and he was not the one  
18 that directed us to do it, that it was not  
19 something we should have done and he was  
20 just going to oppose it. I mean, that's  
21 what it -- that was my impression. If  
22 that's accurate or not, I can't read the tea  
23 leaves of his mind. But that was my  
24 impression.

1           Q. So in your mind, he was going to  
2   oppose it even if there was this five-alarm  
3   fire that needed to be put out?

4           A. Yes.

5           Q. All right. I just want to turn  
6   back to your letter. Let's see. You say,  
7   in the three paragraphs from the bottom --  
8   or sorry, two paragraphs from the bottom --  
9   Unfortunately, Secretary Crouch and I have  
10   not shared the same views on what the  
11   problems are, how to handle them or the  
12   urgency of achieving results.

13                  Do you see that?

14           A. Yes, ma'am.

15           Q. Okay. And what problems did you  
16   disagree on?

17           A. Well, I have stated several of  
18   them.

19           Q. Uh-huh.

20           A. Categorically, you know, you can  
21   see them in the fourth paragraph there.

22           Q. Uh-huh.

23           A. Okay.

24           Q. And in terms of child welfare, what

1 were the differences in views on what the  
2 problems were?

3 A. I am happy to respond to that, but  
4 I don't know that my response is not going  
5 to be considered.

6 Q. Well, let him -- let counsel  
7 object.

8 MR. PEISCH: Well, to the extent  
9 you are about to disclose information you  
10 disclosed to Secretary Crouch in pre-  
11 decisional conversations, we object on  
12 deliberative process privilege.

13 MS. TEBOR: And so just to  
14 clarify, I am just asking for a list of what  
15 the problems were that they disagreed on,  
16 not the conversations and not any policy  
17 decisions. Do you still -- are you still  
18 objecting to that?

19 MR. PEISCH: If you are asking  
20 for a list of policies they disagreed on,  
21 then I would not object to that.

22 A. CPS staffing strategies, CPS  
23 staffing ratios or -- yeah. What I mean by  
24 that is the number of CPS workers per case

1 or child, there was a debate over that.

2 Should be case or child. As I mentioned

3 before, how money -- appropriated money

4 should be shifted to address these issues.

5 System implementation issues for

6 the child welfare information system.

7 Abuses that were occurring with respect to

8 disabled populations which did include

9 children in state custody. Strategies as it

10 relates to SUD policy and the state's

11 neonatal abstinence syndrome rate and IUSE

12 rate, intrauterine substance exposure rates.

13 The progress that was or was not being made

14 as it related to dealing with our provider

15 infrastructure issues. Transparency with

16 the legislature about these and other

17 issues. Policies and reporting about

18 children running away from foster care

19 placements. That may not be an exhaustive

20 list, but that's all I can think of right

21 now for child welfare.

22 Q. Okay.

23 A. Oh, staff -- leadership positions.

24 Q. Say that again.

1           A. Who should be in leadership  
2 positions.

3           Q. Okay. I am just -- I am going to  
4 ask you a couple of questions. And first, I  
5 just want to understand the problem itself,  
6 not the conversations that took place. But  
7 when you are talking about CPS staffing  
8 strategies, what exactly was the issue that  
9 was being discussed?

10          A. Really, what is the role of a CPS  
11 worker, what is the role of other actors in  
12 the system or process.

13                 So, for example, what a CPS worker  
14 is responsible for in Florida or  
15 Pennsylvania may not be the same list of  
16 responsibilities in West Virginia. And so  
17 just the strategy of the CPS workforce, how  
18 to do the counts and the ratio of CPS worker  
19 to case versus child. That was a big --

20          Q. When you say how to do the ratio of  
21 CPS worker to case versus child, what do you  
22 mean?

23          A. So you may -- so you may have a  
24 case -- and this is more frequent now than

1 it was when I started my career. You may  
2 have a case that has eight children with one  
3 mother. And for a CPS worker, that's a  
4 case. Of those eight kids, there might be  
5 three or four different dads. So you have  
6 all of those entanglements and things that a  
7 CPS worker would have to work through and  
8 all of the families of those individuals.

9           You have -- the needs of those  
10 children may vary significantly. Two of  
11 them may need to be in a PRTF. Three of  
12 them may need to be in some type of level  
13 child residential facility. Maybe three of  
14 them can be placed in a foster home. Of the  
15 eight kids, there may be one grandparent  
16 that is really, really solid. But do you  
17 place all of the kids together as a sibling  
18 group, or do they need to be broken out  
19 because of different family? There is just  
20 a lot of complexity and time that a worker  
21 would have to invest for a case versus each  
22 individual child being their own case, so to  
23 speak.

24           And so do we measure the ratio of

1 worker to case or worker to child? And we  
2 were measuring it to case. And I just did  
3 not feel that that was appropriate. I  
4 didn't necessarily believe, nor do I believe  
5 now, that it has to always be by child.

6 But if there are factors involved  
7 in a case -- extenuating factors, then, you  
8 know, that should trigger a different  
9 analysis. Otherwise, we are not getting our  
10 true understanding of the workload we are  
11 placing on these workers. And if that's the  
12 metric we are going to use to convey to the  
13 public, the legislature and the governor's  
14 office of if we are successful or not, then  
15 we need to be daggone sure that we are  
16 accurate about it. Otherwise, the results  
17 in the field for these kids is going to be  
18 insufficient.

19 Q. So at the time that you wrote this  
20 letter, was there an issue with case workers  
21 being overwhelmed by their caseloads due to  
22 the fact that certain cases -- their cases  
23 were being counted based on a whole family  
24 and not on an individual child?

1           A. Oh, yes. Yes.

2           Q. And, you know, what can be a result  
3 of that?

4           A. Workers not being able to respond  
5 to foster parents timely. A worker not  
6 having time to be properly prepared for  
7 court for all of the children in a specific  
8 case or their other cases. A worker not  
9 having time to effectively get out and  
10 perform an investigation because of the huge  
11 workload or number of kids and complexities  
12 that they have to deal with.

13           I mean, I think those are the  
14 primary problems that result from that --  
15 well, I should say, workers being  
16 overwhelmed and fatigued, making mistakes,  
17 quitting, it contributed to the churn rate,  
18 which was, you know, something the  
19 commissioner and I discussed all of the  
20 time, you know, the churn rate, how do we  
21 get it down. Well, you got to ease the  
22 burden on these workers.

23           So that those -- you know, there  
24 might be a few others. But, you know, off

1 the top of my head, those are all certainly  
2 things that have come up in different cases.

3 Q. To your knowledge, is this caseload  
4 issue still an issue today?

5 A. I believe it is -- to my knowledge,  
6 yes.

7 Q. And how do you come to that  
8 knowledge?

9 A. The vacancy rate for CPS to my  
10 knowledge is I think 17 percent still. I  
11 don't know that for sure. But I think  
12 that's what it is. That's way too high.  
13 And I don't know that we have a sufficient  
14 denominator of CPS workers based on how the  
15 state is continuing to look at what a  
16 caseload is. And maybe that shifted outside  
17 of my knowledge. I defer to the department.  
18 But I don't think it has.

19 Q. Okay. You mentioned system  
20 implementation issues as one of the  
21 problems. And what did you mean by that?

22 A. The state going back to 2017 -- I  
23 believe it was 2017 -- entered into a  
24 contract for a large system upgrade of our

1 integrated eligibility system, our child  
2 welfare information system and our child  
3 support system, are the three major  
4 components. That contract and  
5 implementation experienced significant  
6 delays, significant delays. It's a  
7 300-plus-million-dollar contract that is  
8 huge money, huge money. And it was supposed  
9 to start to be implemented in 2019. Like  
10 some of these major pieces were supposed to  
11 go into place in 2019. Little smaller  
12 things had. But that was when the big  
13 pieces were supposed to go into effect, and  
14 they did not.

15 And it caused a lot of issues  
16 because the legacy systems were not capable  
17 of producing reports that were needed  
18 without an enormous amount of manual effort.  
19 They were not able to properly trigger  
20 payments. There was a huge issue related to  
21 actually the MCO contract for foster care  
22 where the historic system was not able to  
23 properly trigger payments for the Bureau for  
24 Social Services' portion of the child

1 residential reimbursement formula. You  
2 know, Social Services paid for room and  
3 board. Medicaid paid for the daily rate for  
4 the medical bundle, medical and behavioral  
5 health bundle.

6 Because of those legacy system  
7 inefficiencies or just incapable of easily  
8 doing that, it was holding us back from  
9 advancing various policies. I mean -- and I  
10 know this is complicated. But on the  
11 managed care contract, for example, the goal  
12 was to have the medical -- the Medicaid  
13 portion and the social service portion in  
14 that capitated rate. You pay this MCO X for  
15 this full bundle of expenses, expenditures,  
16 which ultimately would include out-of-state  
17 placement of children. Well, Medicaid  
18 doesn't pay for out-of-state placement of  
19 children in child residential, but Bureau  
20 for Social Services does.

21 And so if your system is unable to  
22 communicate -- if your CCWIS is unable to  
23 communicate to your MCO that this  
24 expenditure has occurred, then you can't

1 contractually obligate, or from a policy  
2 perspective, incorporate a broader capitated  
3 contract.

4           And so what's the consequence of  
5 that? Well, the Social Services  
6 expenditures for children going out of state  
7 are not at risk. And so what vested  
8 interest does an MCO have of helping the  
9 state move kids back into West Virginia  
10 when, if they are in West Virginia, they  
11 pay; and they are not in West Virginia, they  
12 don't.

13           And so the incentives and  
14 disincentives were all out of whack. And it  
15 was -- and from a policy perspective, there  
16 was a barrier on implementing because of the  
17 delays in this contract. And the delays  
18 were so significant that -- you know, it's  
19 supposed to start in 2019 for these big  
20 pieces. They didn't get -- start rolling in  
21 until 2023, and were, from my perspective, a  
22 disaster.

23           The initial rollout was a disaster.  
24 Foster parents weren't being paid.

1 Providers weren't being paid. Judges were  
2 very upset because orders weren't being  
3 properly carried out for things like  
4 visitation. It was just a whole -- you just  
5 wouldn't believe the number of like  
6 inquiries and referrals I received from  
7 legislators around those types of problems  
8 when that thing rolled out.

9 But I know looking at my watch  
10 that, man, this stuff should have been  
11 implemented back in 2019. And now that we  
12 are several years from that, the actual  
13 implementation, despite all of the extra  
14 time, is a disaster.

15 And so -- but, you know, at the  
16 time of this, I was very critical of how we  
17 were managing that implementation and very  
18 critical of how the secretary was managing  
19 it internally, and I made statements  
20 externally.

21 Q. What were the external statements  
22 that you made about this topic?

23 A. I communicated to legislators who  
24 were asking. It is one of the state's

1 biggest contracts.

2 Q. Uh-huh.

3 A. They were asking. And I tell them  
4 the truth -- or what I understood the truth  
5 to be.

6 Q. What specifically did you tell  
7 them?

8 A. That we were not properly  
9 implementing this system and that the  
10 vendor, despite the enormity of expense  
11 involved in this contract, was several years  
12 behind schedule.

13 Q. Uh-huh.

14 A. It's a ten-year contract. You lose  
15 value -- I would say we are losing value on  
16 the ten-year life span of this contract.  
17 You know, instead of being 30 or 20 percent  
18 into the time frame of that contract, you  
19 are 60 percent into it before it gets  
20 implemented. Then you have lost that delta  
21 in value.

22 And you are still relying on your  
23 old -- and facts for child welfare, these  
24 old systems that were just incapable of

1 doing what a modern child welfare system  
2 needs to do, or eligibility system, you  
3 know, for the other departments or bureaus.

4 Q. What do you believe should have  
5 happened differently with the  
6 implementation?

7 A. That question probably triggers a  
8 lot of answers because there is -- it is  
9 huge.

10 Q. Yeah.

11 A. This is a huge project. Well, I  
12 mean, I felt at the time that we needed to  
13 have the bureau leadership more engaged on  
14 the implementation. We were slow too. It  
15 wasn't just the vendors issue.

16 We were also to blame because we  
17 were not providing the vendor with the  
18 specifications of what we wanted these  
19 systems to do. And in defense of our  
20 people, they weren't doing it because they  
21 had other jobs to do. We just weren't  
22 properly staffed to do this properly. And  
23 we weren't making it a priority. And we  
24 weren't holding the vendor accountable.

1                   We had subcontractors too. We had  
2 one vendor that their job was to keep us all  
3 on track, paying them big money, millions.  
4 And I felt like you are not -- you're not  
5 accomplishing that goal.

6                   And the major vendor involved here,  
7 Optum, they would say to me that they are  
8 actually hindering us. They are slowing us  
9 down. They are being -- they are  
10 nitpicking. You know, we are trying to get  
11 this thing implemented here. There is going  
12 to be -- you know, there's going to be  
13 issues. We can't stop everything because of  
14 issue X, Y and Z.

15                  You know, so there was dispute  
16 amongst our vendors. And we just were not  
17 properly managing it from end to end.

18                  Q. Who was the vendor tasked with  
19 keeping you on track?

20                  A. Barry Dunn.

21                  Q. That was Barry Dunn.

22                  As far as you are aware, are there  
23 still issues with the system implementation  
24 today?

1           A. I had received a complaint within  
2 the last three months that there were still  
3 issues.

4           Q. And what was that complaint?

5           A. That there were payment issues. I  
6 don't know if the complaint was accurate or  
7 not. But they attributed it to PATH, the  
8 system.

9           Q. Who was the complaint from?

10          A. It was from a provider.

11          Q. One of the problems you listed that  
12 you disagreed on was the -- with Mr. Crouch  
13 was abuses with respect to disabled persons,  
14 including kids?

15          A. That's correct.

16          Q. What was that problem specifically?

17          A. There were systemic abuses  
18 occurring in IDD Waiver and intermediate  
19 care facility placements for children and  
20 adults for a couple of years in a row.

21                 There was one entity in particular  
22 that was -- I mean, it was the largest  
23 provider. I think they were the largest.  
24 ResCare, that -- well, it is just their

1 facilities, their -- their, you know,  
2 provider locations, these things were  
3 happening.

4 And the situation in the department  
5 about that was very uncomfortable. The  
6 lobbyist representing ResCare was a former  
7 partner or worked for Mr. Crouch in his  
8 private sector of business. And they were  
9 having communications.

10 And so we were not solving the  
11 issue. We were having meetings with the  
12 provider and others. There were different  
13 strategies put forth on how to do it  
14 internally. Our inspector general at the  
15 time, Jolynn Marra, her and I had several  
16 conversations, Commissioner Bean, at the  
17 time Commissioner Mullins about these  
18 issues. And we tried to convey the  
19 criticality and to take a harder stance with  
20 the secretary. We were not successful.  
21 There were discussions happening.

22 MR. PEISCH: Objection.  
23 Deliberative process privilege.

24 Q. Were you about to discuss

1 conversations with the secretary or  
2 conversations with other persons?

3 A. Other persons outside of the  
4 department.

5 Q. Okay.

6 MR. PEISCH: Objection to  
7 deliberative process privilege.

8 Did you say outside of the  
9 department?

10 MS. TEBOR: Outside of the  
11 department.

12 MR. PEISCH: Okay. I'll  
13 withdraw the objection.

14 A. So I reached out to the  
15 legislature, Chairman Pack, and I conveyed  
16 to him -- he was the health chair at the  
17 time, the Commissioner of Social Services  
18 now. I conveyed to him what the problem  
19 was. Showed him internal information about  
20 these deaths, abuses, you know, assaults,  
21 neglect and suggested that they ask us about  
22 it -- "they" being the legislature.

23 And then I worked with our -- not  
24 the secretary, but the inspector general to

1 prepare a report that would be delivered to  
2 the legislature about all of these issues,  
3 listing out the deaths, the abuses, et  
4 cetera to get the conversation started, with  
5 the idea being, sunshine is the only thing  
6 that is going to solve this problem.

7           So that happened. So we did -- you  
8 know, they called us up. They called Jolynn  
9 up there. She testified, provided this  
10 report. The secretary was really upset that  
11 that happened. I believe he was suspicious  
12 that something had been done behind his  
13 back.

14           You know, this is like three years  
15 into this by the way. Like it is not just  
16 like day one and it didn't work out. This  
17 was trying, trying, trying. And finally, we  
18 were like, okay, this is what we will do.

19           And then what -- the consequence  
20 after that, the presentation, the  
21 legislature was very upset, rightfully so --  
22 they tasked us with working with different  
23 stakeholders to then come back with a set of  
24 solutions, and worked with the behavioral

1 health association on the provider side,  
2 worked with advocates. And, you know, we  
3 talked to our folks, you know, about what  
4 they thought we should do. And then I  
5 presented that back to the legislature  
6 several months later.

7 At that point, you know, we are in  
8 COVID. And, I mean, that was eating up a  
9 lot of my time, everybody's time, the  
10 legislature's time. It was just a chaotic  
11 time. And so the issue sort of lost  
12 momentum. But there were abuses still  
13 happening. Ms. Marra was letting me know.  
14 And we were having discussions about it --

15 Our staff were very upset. There  
16 was a situation -- I think it was in Cabell  
17 County -- very upset -- you know, distraught  
18 about what happened. And we were having a  
19 meeting about it, a conference call. And  
20 our general counsel at the time started to  
21 insert herself --

22 MR. PEISCH: Objection.  
23 Attorney/client privilege.

24 Q. Who was at this meeting -- when was

1 this meeting?

2 A. I believe it was 2021.

3 Q. And who was at this meeting?

4 A. Might have been '20, late 2020, but  
5 I think it was 2021.

6 Well, there were several of them.

7 But usually it was the same people. It  
8 would be myself, Jolynn Marra. Sometimes  
9 she would bring a staffer or have a staffer  
10 on the phone. Most of these were again  
11 during COVID. You know, we were not meeting  
12 face-to-face a lot.

13 Q. Uh-huh.

14 A. Commissioner Beane. Medicaid.

15 Q. Medicaid, you said?

16 A. Yeah. Yeah.

17 Q. Like a representative?

18 A. Yeah. Because Medicaid was the  
19 payer and had regulatory oversight over  
20 specifically the IDD Waiver homes  
21 placements. But then also they paid for the  
22 intermediate care facilities. So they are  
23 in essence the payer for all of this.

24 And then I always included -- or I

1     tried to always include Commissioner -- or  
2     Christina Mullins. She was the commissioner  
3     of the Bureau for Behavioral Health at the  
4     time. Just a very knowledgeable person.  
5     But this was her realm of policy and very --  
6     you know, highly respect her work and ethics  
7     on this. So she was typically engaged.

8             And then our general counsel,  
9     Ms. Robertson, started to become engaged.

10            Q. So there were representatives from  
11     Medicaid and from OIG at this meeting?

12            A. Correct.

13            Q. Okay. I am going to ask the same  
14     question --

15                   MR. PEISCH: Objection.  
16     Attorney/client privilege.

17                   MR. WALTERS: If you had  
18     individuals outside of DHHR, private  
19     individuals from Medicaid, how could it be  
20     attorney/client privilege?

21                   MR. PEISCH: I thought he meant  
22     BMS individuals?

23                   THE WITNESS: Those meetings  
24     were with BMS, yes.

1 MR. PEISCH: Yeah. Medicaid is  
2 within DOHS.

3 MR. WALTERS: That's not what I  
4 understood him to say. Understood.

5 A. There were separate meetings with  
6 broader stakeholders with providers and  
7 advocates.

8 Q. Okay. What were those separate  
9 meetings with providers and with advocates?

10 A. We were pressing them for solutions  
11 and trying to facilitate a consensus  
12 strategy that we could then provide to the  
13 legislature and implement ourselves to stop  
14 these abuses.

15 Q. When did you first learn of the  
16 abuses?

17 A. Oh, gosh. It goes back to at least  
18 2017, maybe even before Secretary Crouch was  
19 there.

20 Q. And these were at facilities where  
21 foster children were placed; is that right?

22 A. Sometimes.

23 Q. Some of these -- at some of these  
24 facilities, there also were foster children

1 who were there?

2 A. At some of these facilities, there  
3 were, to my knowledge, foster children, yes.

4 Q. And what were the abuses that were  
5 occurring?

6 A. And this is a public document that  
7 can be cross-referenced, so I'm trying to  
8 remember it. An individual being fed hot  
9 dogs even though they had issues with their  
10 esophagus. They had a meal plan that wasn't  
11 being adhered to and they choked to death.

12 Instances where individuals in a  
13 home were being forced to use the bathroom  
14 outside in the back yard because plumbing  
15 had been broken for a period of time. I  
16 recall a situation where workers in one of  
17 these placements were -- they placed the  
18 individual -- somebody with developmental  
19 disabilities under a bean bag chair and sat  
20 on it and played like video games for hours.

21 I recall there being sexual  
22 assaults -- or allegations of sexual  
23 assaults. There was a situation where there  
24 was -- an individual needed -- some of these

1 folks with IDD issues -- intellectual and  
2 developmental disability issues, they also  
3 have medical issues.

4           And I recall one case where someone  
5 needed some specific medications throughout  
6 the day -- they were bedridden as I  
7 recall -- and those medications were being  
8 documented as if they were delivered, but  
9 they were not actually being provided to the  
10 individual.

11           There was a case where -- I can't  
12 remember if this was a foster child or not,  
13 but I feel like it was. But I can't  
14 remember for sure -- an individual was in  
15 the care of their worker. They were not --  
16 they were violent. They were not supposed  
17 to like be around other people in public.  
18 And they took the individual to a Walmart or  
19 something up in Marion or Harrison County.  
20 And the individual would -- the worker  
21 didn't stay with the individual. And so  
22 they went into the back of the store and  
23 sexually assaulted a ten-year-old boy in a  
24 bathroom. Pregnant mom runs in. The

1 individual -- again, they have IDD -- beats  
2 up the pregnant mom.

3           There was a case -- and I am almost  
4 certain this was a foster child. And this  
5 was a few years back. This was kind of at  
6 the beginning of all of this that I became  
7 aware -- was able to get the keys to a van  
8 and crashed -- like they were DD. But they  
9 were able to somehow get keys to the  
10 company's van. They got into it. This is  
11 in Charleston. And they crashed it into a  
12 wall. And what was conveyed to me is that  
13 they burned alive in the van and died.

14           Just terrible stuff. Just  
15 terrible, unconscionable things. And then  
16 your neglect and, you know, the things that  
17 are important but, you know -- I mean, it  
18 was tearing our folks up, our workers. I  
19 mean, it was awful.

20           Q. And you mentioned a document that  
21 you were referencing that would have listed  
22 these. Is that a report that you -- yeah.

23           A. I didn't provide it to Mr. Leslie.  
24 This was when I was at the agency. And it

1 was -- but it was publicly provided to the  
2 legislature. It would be a document that  
3 the department would have, or maybe it's  
4 even out there -- it could be Google  
5 searched. And that same document was later  
6 updated for the legislature.

7 Q. Do you know when it was initially  
8 released?

9 A. I believe it was late 2019 at an  
10 interim. I think it was a December or maybe  
11 even a January interim right before session.  
12 But that could be easily fact checked. And  
13 then the subsequent requested document I  
14 believe was in 2022.

15 Q. Okay.

16 A. And it triggered legislation. You  
17 know, I worked on the bill.

18 Q. And when, if you are aware, did  
19 Mr. Crouch become aware of the abuses at  
20 these various homes?

21 A. Oh, it had been at the earliest  
22 stages of his time at the department. 2017,  
23 I am sure. You know.

24 Q. Did anything happen as a result of

1 his knowledge of these abuses?

2 A. Yes. There were meetings with the  
3 company. That was the most egregious  
4 offender on multiple occasions, ResCare.

5 Q. Were any children or other  
6 individuals removed from those homes as a  
7 result of these conversations?

8 A. Yes. Yes. At different times.  
9 The OHFLAC, which is under the inspector  
10 general's office, they did take action to  
11 remove individuals as I recall. And there  
12 was an agreement that I believe is a public  
13 document between the secretary and ResCare  
14 about shifting some of their facilities  
15 where they were getting -- basically closing  
16 them down, as I remember.

17 Q. When did this happen, this  
18 agreement between the secretary and ResCare?

19 A. I think it was 2019.

20 Q. So at least two years after?

21 A. Right. The agreement was though  
22 internally debated, if that was sufficient  
23 or appropriate.

24 Q. And there still remained a contract

1 between ResCare and DHHR after that time?

2 A. That's correct. And that's a  
3 fairly complicated infrastructure. I mean,  
4 I can explain it to you. But the  
5 infrastructure itself, the nature by which  
6 we structure those services was also a part  
7 of the problem that ultimately there was  
8 internal disagreements about.

9 Q. But you felt that not enough was  
10 being done, which is why you went to the  
11 legislature; is that right?

12 A. If I were ever to be asked if there  
13 was one issue that broke my relationship  
14 with Mr. Crouch, it was this issue. Like I  
15 was -- yes, I did not agree with the  
16 direction we were going or the speed by  
17 which we were solving the problem.

18 Q. Because you believed that disabled  
19 individuals were still being harmed?

20 A. I believed we were not doing enough  
21 to protect disabled individuals.

22 MR. LESLIE: Would a break be  
23 possible?

24 MS. TEBOR: Yeah. Yeah. I

1 think that's a good idea.

2 (Break in proceedings.)

3 BY MS. TEBOR:

4 Q. Mr. Samples, turning back to the  
5 conversation we were having previously about  
6 the problems that you and Secretary Crouch  
7 disagreed on. We were going through the  
8 list, and you were explaining the problems a  
9 little bit to me.

10 One of the problems you listed was  
11 the progress not made with respect to  
12 provider issues. And I just was wondering  
13 if you could just say a little bit more  
14 about what you meant there?

15 A. So the state has for some time,  
16 even going back to the Tomblin  
17 administration, been endeavoring to pivot  
18 from institutional placements to more home  
19 and community-based in-home placements. And  
20 I do think a lot of progress has been made.  
21 It is a big lift. But I felt like we were  
22 not making enough progress on that front.

23 And maybe even more concerning to  
24 me at the time was that we were not properly

1 measuring the progress or lack thereof. But  
2 it was very challenging to determine whether  
3 or not we had done enough or how -- from a  
4 quantifiable perspective, how far away are  
5 we from being where we need to be. And so  
6 we just had -- there were just disagreements  
7 over those discussions or that policy area.

8 Q. And how were you measuring where  
9 you needed to be at that point? Was there  
10 any metric?

11 A. And, you know, we are talking about  
12 a multitude, like a continuum of different  
13 types of services. And so some placements  
14 are easier to measure than others. I mean,  
15 historically we know how many residentials  
16 we have. Generally, we know how many PRTFs,  
17 you know, acute psych beds, things like  
18 that.

19 On the home and community-based  
20 service side, as you are building something  
21 out -- well, you know, from my perspective,  
22 I was arguing for kind of like a network  
23 adequacy by county model. And I come from  
24 the insurance world. So that's sort of from

1 that frame of thought.

2 And what I wanted to do was to  
3 provide judges, prosecutors or county  
4 workers, everybody involved in a case in one  
5 of our 55 counties for that county and the  
6 surrounding areas, here is what we have  
7 available, here is the capacity in that  
8 area. And then capacity is going to shift  
9 as we have greater need or shift our  
10 utilization of the system to have greater  
11 need.

12 So, for example, as we are moving  
13 from more institutional placements to more  
14 preventative and home, community-based type  
15 services, then you are going to have a  
16 greater need. And so your capacity needs to  
17 increase. But I just felt like we needed to  
18 better measure that and -- you know, without  
19 getting into the discussions, the  
20 deliberations over it, I didn't think we  
21 were making enough progress there.

22 Q. Did anything happen as a result of  
23 these conversations in terms of measuring  
24 the services and the community -- the

1 community-based services?

2 A. There were actions taken while I  
3 was at the department and even afterward,  
4 you know, where I think the department was  
5 measuring or attempting to measure capacity  
6 at the county level. I didn't think it was  
7 -- still don't think it's specific enough.  
8 Because I want to provide -- my ultimate  
9 policy goal or view was to provide everyone  
10 involved in a case a here's your menu,  
11 here's your lunch menu of things that we can  
12 do here. And we as the -- you know, from a  
13 department perspective or, you know, the  
14 multi-disciplinary team perspective, Judge,  
15 we recommend X. And the judge can still  
16 order Y, but we recommend X.

17 And I thought that if we provided  
18 that menu, so to speak, one, it would cause  
19 a natural evolution or shift away from the  
20 institutionalization models. You wouldn't  
21 have to like just pull the rug out from  
22 under the level one and level two  
23 infrastructure. It would just happen over  
24 time because -- I mean, there are maybe a

1 few judges that do want to place in certain  
2 facilities they have confidence in. But  
3 mostly I think judges just want options.  
4 And they will defer to the experts or the  
5 people in the MDT.

6 But if you don't give them the  
7 options or the menu, one, you don't know  
8 yourself truly what your gap is. You don't  
9 have a real gap analysis at any point in  
10 time at any place in the state. But you  
11 also don't have that shift that occurs  
12 organically. You, in other words, have to  
13 force the shift which has unintended  
14 consequences.

15 So anyway ...

16 Q. So in your mind, DHHR was not  
17 adequately measuring how many and what  
18 community-based services it had?

19 A. Not adequately measuring and not  
20 adequately setting forth the goals of where  
21 we wanted to be.

22 Q. And to your knowledge, is this  
23 still an issue today?

24 A. I think it's still an issue. But I

1 do think that the department since I left  
2 has did a better job of understanding where  
3 they want to be. But I still don't believe  
4 that it's adequate.

5 Q. Okay. The next problem that you  
6 had discussed over which you had a  
7 disagreement with Mr. Crouch was  
8 transparency within the legislature about  
9 issues within DHHR. What did you mean by  
10 that?

11 A. Well, there's several examples.  
12 But kind of the bottom line is that I  
13 believe from a policy perspective, and just  
14 philosophically, that you -- if you have a  
15 thousand problems and the public or policy  
16 makers only see 900 of them, then that is  
17 what will get the focus. You don't fix what  
18 you can't see.

19 And there were so many issues in  
20 ours still that the department faces, how  
21 are you to get the attention, the resources,  
22 the ideas from the broader realm of, you  
23 know, policy making? I mean, you know, you  
24 close everything off, your good stuff and

1 your bad -- well, the bad stuff because you  
2 are afraid of getting criticism. Well, you  
3 are not fixing that problem. And then those  
4 problems linger.

5 And the disability abuse issue was  
6 -- you know, always comes to the top of my  
7 mind over that. You know, how do you fix  
8 something you can't see? How do policy  
9 makers help us? Maybe the policy -- maybe  
10 legislator X has an idea, you know. I mean,  
11 I said that. Maybe they have an idea. We  
12 are not fixing it.

13 We haven't figured it out. We are  
14 trying. But trying is not enough when you  
15 are dealing with these types of issues.  
16 It's not traffic cone purchases. We are  
17 talking like people died because you failed.  
18 And trying is not enough, you know, here in  
19 this area of public policy.

20 Q. Besides the abuse of disabled  
21 individuals that we talked about before,  
22 were there other issues that you thought  
23 there was a disagreement about the  
24 transparency of those particular issues with

1 the legislature?

2 A. I felt like we were not  
3 transparent, and talked about this internal  
4 -- well, sorry. Sorry.

5 Q. Yeah. You don't need to discuss  
6 your internal discussions. But what issues  
7 did you think were -- or what problems in  
8 this list were --

9 A. The transparency of the budget  
10 itself was a major concern and continues to  
11 be a concern, but we are working to fix it.

12 Q. Okay. Anything else?

13 A. I mean, there was all kinds I  
14 guess. But, you know -- for example, the  
15 runaway policy issue, there was criticism  
16 that we should not have said those things to  
17 the legislature; that we had kids running  
18 away from foster care placements, and that  
19 it just brought on bad press and that -- you  
20 know, even though it resulted in legislation  
21 that I think helps the state find these  
22 children as quickly as possible and, you  
23 know, hopefully prevent that from happening.  
24 There was just blowback on that.

1 Discussions about just CPS vacancies  
2 generally. You know, I mean, it -- if it  
3 was negative, there was this -- just this  
4 lack of transparency.

5 I mean, health facilities, there  
6 were issues that, you know, they -- there  
7 was -- just not a desire to be forthcoming  
8 with the legislature. You know, the lying  
9 by omission situations.

10 Q. In terms of the runaway policy,  
11 what was the conversation with the  
12 legislature about? What was happening with  
13 runaways from foster care?

14 A. I became aware that we were having  
15 problems there, was discussed, and really  
16 wasn't any movement or action. And so I  
17 went to a legislator and told him about it.

18 Q. What was the issue with runaways?

19 A. That children would -- children in  
20 foster care would run away from a placement  
21 that -- one, the volume of kids that would  
22 run away. And, you know, you'd write those  
23 numbers down away from supervision if it is  
24 under a certain amount of time or if there

1 was just different ways to categorize a  
2 child being out of -- in an environment that  
3 there was no oversight provided. They have  
4 left. They might just go to smoke or go to  
5 take a breather, whatever. Or they may  
6 never be found.

7 And there were cases like that  
8 where children aged out of our system. And  
9 my concern was that are they being  
10 trafficked? Are they -- where are they? We  
11 just don't know. We just did not -- we  
12 don't know. And we didn't -- you know, we  
13 worked with the state police. And I just  
14 didn't feel like we were doing enough to  
15 deal with that.

16 And when we -- you have the volumes  
17 of kids in your system that we do, you know,  
18 leading the nation per capita, then -- I  
19 mean, you just have -- you just have -- you  
20 can't just let those things go. I mean, it  
21 was just a policy problem.

22 So, you know, I went to a  
23 legislator. They took the ball and ran with  
24 it, and we ultimately got a piece of

1 legislation out of it that created an office  
2 within the department that specifically  
3 focused on these issues.

4 Q. When did you first learn of these  
5 -- the issues with children running away?

6 A. Gosh, I can't recall. I really  
7 can't recall of the first time. It was  
8 maybe 2018.

9 Q. And when did you go to the  
10 legislature?

11 A. I feel like it was 2019. But I --  
12 I don't know for -- I can't recall for sure.

13 Q. Did you go to the legislature  
14 because you felt that DHHR would not on its  
15 own do anything to change the runaway child  
16 issues?

17 A. I felt like we were not going to do  
18 enough to fix it. We weren't doing enough  
19 to fix it. And we didn't have the resources  
20 allocated for that specific purpose to fix  
21 it.

22 Like if you have to have someone  
23 designated to search for runaways in an  
24 environment where you have vacancy rates

1 that are at historic levels, well, you don't  
2 really have the opportunity to syphon away  
3 from your historic crisis to deal with this  
4 critical issue. I mean, at least there's  
5 arguments about it.

6 And I felt like we needed a very  
7 specific focus. And I also felt like we  
8 needed that specific focus as it related to  
9 the state police so they understood what we  
10 were doing, you know, so we didn't run into  
11 issues with them in their, you know, efforts  
12 to find these kids.

13 You know, I just -- it wasn't one  
14 of those like grand systemic issues, but it  
15 was kind of a microcosm of this just makes  
16 us look bad even though we got a positive  
17 result out of having discussions with the  
18 legislature. Let's just not expose  
19 ourselves.

20 And I just didn't -- I didn't agree  
21 with it. I tried. Maybe people don't  
22 believe that. But I did try for, you know,  
23 years to get -- to work with Bill. And we  
24 got along initially. But, you know,

1 eventually I just couldn't -- you got to be  
2 able to sleep at night.

3 Q. So you did not -- so Mr. Crouch was  
4 not willing to make those changes that you  
5 were advocating for?

6 A. Either not willing to or not  
7 willing to implement in a timely fashion.  
8 We had a lot of issues or problems with  
9 just, oh, let's meet about it in a couple of  
10 months or -- you know, just analysis  
11 paralysis. You know, that was a big, big  
12 problem.

13 And it would delay solution, or  
14 attempting to solve it. And if your  
15 solution don't work, we will try something  
16 else. But if you take forever to get to  
17 your attempted solution, then it's even  
18 going to be that much longer until you find  
19 something that works.

20 Q. Okay. And just going back to your  
21 letter. And this ties into what you were  
22 just talking about. But you say, you know,  
23 that Secretary Crouch and I have not shared  
24 the same views on the urgency of achieving

1 results.

2 What do you mean when you say he  
3 wasn't -- you know, you disagreed on the  
4 urgency of achieving results?

5 A. Well, per my previous statement,  
6 some of that is just, you know, this  
7 analysis paralysis and indecisiveness,  
8 delaying decisions on critical matters,  
9 hoping something solves itself. You know,  
10 we did all of this work so far. Yeah, the  
11 problem is not solved. We will just wait  
12 and see how it works out.

13 And sometimes that's okay. But  
14 some of the issues we were dealing with,  
15 there was not time -- you couldn't -- there  
16 is like people -- real people in between the  
17 fix and the problem that just is waiting for  
18 it to work to see if what we tried worked is  
19 not sufficient. And especially when the  
20 trajectory and the trends on issue X were  
21 going in the wrong direction.

22 And I'm trying to be very careful  
23 to not say specifics because I don't want to  
24 -- I don't want to talk about something that

1 was deliberated upon, you know, in my role.

2 Q. But with regard to the problems  
3 that you just listed, you thought that  
4 Mr. Crouch was aware of the problems but was  
5 not taking action and children were being  
6 harmed; is that right?

7 A. Yes.

8 Q. I am going to go through and -- I  
9 understand you might object, but I want to  
10 ask this for our record.

11 Where did my list go?

12 All right. With regard to the  
13 problems that we were discussing before,  
14 what were your conversations with  
15 Mr. Crouch?

16 MR. PEISCH: Objection.  
17 Deliberative process privilege.

18 MR. WALTERS: I'm sorry. Just  
19 to make sure. When you make the objection,  
20 you are also instructing him not to answer?

21 MR. PEISCH: Yes.

22 MR. WALTERS: I just want the  
23 record to be clear.

24 MR. PEISCH: Yeah. Absolutely.

1           Q.   Okay.  I am going to move to -- we  
2   are going to go to -- I'm going to mark this  
3   as Exhibit 2, and I'm going to mark this one  
4   as Exhibit 3.

5                   (Exhibit 2 was marked.)

6                   (Exhibit 3 was marked.)

7           MS. TEBOR:  Actually, I'm going  
8   to mark this as Exhibit 4 while we're at it.

9                   (Exhibit 4 was marked.)

10          Q.  All right.  So with respect to  
11   Exhibits 2 and 3 -- you produced these,  
12   correct, Mr. Samples?

13          A.  Yes, ma'am.

14          Q.  Okay.  And what are these exhibits?

15          A.  Exhibit 2 appears to be a draft  
16   document termination letter.  Exhibit 3 is  
17   the actual dismissal/termination letter that  
18   I received from the department.  Exhibit 2  
19   was sent to me by the Attorney General's  
20   Office after the report reflected in  
21   Exhibit 4 came to light.

22          Q.  Uh-huh.  And why was it -- why was  
23   Exhibit 2 sent to you by the Attorney --

24                   MR. LESLIE:  Is this four?

1 MS. TEBOR: That's four, yes.

2 A. I was called and notified that the  
3 media had been attempting to obtain  
4 information about my departure from the  
5 department, that the department had been  
6 contesting releasing that information, and  
7 that an error, intentional or not, had been  
8 made in providing this information to the  
9 media. And it was a heads-up.

10 Q. And why do you say intentional or  
11 not?

12 A. Well, I was very frustrated when I  
13 saw this accidentally released document.  
14 One, I had not been informed that there were  
15 discussions around its release. And I  
16 wasn't given a chance to represent my  
17 interest as a part of this potential release  
18 or not of information.

19 I was also very frustrated that an  
20 agreement that I had with the governor's  
21 office about let's just all move on and we  
22 will be done -- you know, we will just --  
23 there was just a general understanding that,  
24 you know, we weren't going -- I wasn't going

1 to specifically criticize, you know, the  
2 governor or the secretary publicly, and they  
3 were going to not trash my character in a  
4 way that then would result in me having to  
5 defend and tell my side of the story.

6 Q. Uh-huh.

7 A. And I felt like that -- you know,  
8 this accidental -- accidental release  
9 potentially could have been engineered. And  
10 I don't know that it was, but it could have  
11 potentially been engineered to hurt my  
12 character and, from my perspective, it could  
13 have been intended to do so before I was  
14 deposed. And so I was very frustrated about  
15 it.

16 Q. And what are you basing that -- you  
17 know, you think that it potentially was  
18 leaked purposefully. What are you basing  
19 that on?

20 A. I don't know that it was leaked  
21 purposefully. But, you know, I think it  
22 could have been. Because how does that  
23 happen? Like how -- I read the circuit  
24 judge's response to the situation. And it

1 just seems like a pretty egregious error.

2 And it could be coincidence or it could not  
3 be. But I will probably never know.

4 Q. Uh-huh. Okay.

5 All right. So turning to the  
6 letters. So that's exhibit -- they are both  
7 the same, but a draft form. But turning to  
8 Exhibit 3. So looking at the language from  
9 -- it is a letter from Bill Crouch to you  
10 dated April 7, 2022?

11 A. Uh-huh.

12 Q. And I wanted to ask you about the  
13 language in the second paragraph that you  
14 have failed to accept policy decisions. I  
15 have been talking about this a little bit.  
16 But do you know what policy decisions he was  
17 referring to that you failed to accept?

18 A. It would be speculative on my part.  
19 I could provide a number of examples where  
20 during discussions there was disagreement.  
21 And I only mention those categorically that  
22 I have already stated; CPS vacancy rates,  
23 you know, general transparency issues.  
24 Ratio issues. We would have these -- well,

1 these discussions were not just singular  
2 discussions. They were held over the course  
3 of time. And some of these, I just wouldn't  
4 let go. I continued to bring them up.

5 And so I speculate, and only  
6 speculate, that Mr. Crouch did believe that  
7 I was talking to the legislature about these  
8 and other issues, including the  
9 reorganization frankly. And so, you know,  
10 to that extent, you know, he believed that I  
11 was not letting it go, that I wasn't  
12 accepting the decision. And frankly, from  
13 that perspective, I think he was right.

14 Q. Okay. I wanted to ask you about  
15 the paragraph where it starts, I have  
16 reiterated multiple times that I wanted you  
17 to focus on child welfare.

18 Do you see that paragraph?

19 A. Yeah.

20 Q. Okay. Do you understand why  
21 Mr. Crouch is saying that he reiterated that  
22 he wanted you to focus on child welfare?

23 A. I highly contest that insinuation  
24 and assertion for a number of different

1 reasons. I believe that it was stated to  
2 damage my character frankly. When you are  
3 in an at-will position, you don't need a  
4 letter like this. It could just be like, no  
5 longer need your services, Mr. Samples.  
6 Period. No reason given. Nothing else  
7 stated.

8 Politically behind the scenes maybe  
9 there would be discussions, you know, X, Y,  
10 Z. But something like this -- I have been  
11 doing this work for a long time -- fairly  
12 unprecedented. I can't remember another  
13 example exactly like this where an at-will  
14 employee would receive something like this.

15 So from that experience and just  
16 having a little bit of knowledge about the  
17 human resource process in government with  
18 at-will employees, I took this entire  
19 document as a way to provide political cover  
20 by undercutting my character and then what  
21 would my response be, you know, if it is  
22 leaked?

23 Once something is leaked, a  
24 percentage of people are only going to see

1 the initial thing that is out there. They  
2 are not going to see the response. So  
3 that's why I -- I personally believe that  
4 this was just a hit job.

5 Q. Did you understand that Mr. Crouch  
6 was trying to blame you for issues in the  
7 child welfare system?

8 A. No. I didn't know that.

9 Q. Okay.

10 A. I mean, I didn't know that beyond  
11 that statement --

12 Q. Right.

13 A. But beyond that, no, I didn't know  
14 that.

15 Q. Do you understand from that  
16 statement though -- I mean, does it appear  
17 -- it appears that Mr. Crouch was trying to  
18 blame you for child welfare issues by saying  
19 that you were not focused on that issue --

20 A. Sure.

21 Q. -- is that right?

22 A. Yeah.

23 Q. Okay. Do you know why he would try  
24 to blame you for those child welfare issues?

1           A. I believe that Mr. Crouch was upset  
2     at me for my discussions with the governor's  
3     office and the legislature about our  
4     failings. I believe he come to understand  
5     that I had worked with the governor's office  
6     to appoint Jeff Pack as the commissioner,  
7     which he did not want to do. And more  
8     freshly from, you know, going back just from  
9     April 7th to the end of the legislative  
10    session in 2022, he was upset at me over the  
11    CPS salary and vacancy issue that I  
12    referenced earlier.

13           Q. Anything else?

14           A. Well, I guess in terms of why --  
15    is the question why I think he would have  
16    stated that?

17           Q. Uh-huh.

18           A. I think there was -- there is also  
19    this -- I think he was trying to see what --  
20    cover himself. You know, the system was in  
21    dire straits and has continued to be --  
22    continued to struggle. But especially at  
23    this time, it was just broken in a thousand  
24    ways, that he needed he a scapegoat. And,

1     you know, this is just my opinion. But  
2     what's the -- what's a strategy that you can  
3     take out someone that disagrees with you and  
4     also give yourself some cover for the  
5     problems that they are pointing out? Well,  
6     blame them for those problems.

7                 But luckily, you know, I had talked  
8     to enough people over the years and enough  
9     policymakers about these issues that -- I  
10    mean, I don't -- I don't feel like people in  
11    positions of decision-making agreed, which  
12    is why, you know, the president and speaker  
13    immediately reached out to me.

14                Q. And you had mentioned that he did  
15    not -- Mr. Crouch did not want Jeff Pack  
16    appointed. Why did he not want Jeff Pack  
17    appointed?

18                MR. PEISCH: Objection.  
19    Deliberative process privilege.

20                MS. TEBOR: This -- I mean, this  
21    is not a policy decision or a discussion  
22    beforehand. He was appointed.

23                MR. PEISCH: The decision to --  
24    first, the decision to appoint the BSS --

1 who to appoint the BSS commissioner is a  
2 decision of the agency that we think is  
3 covered by deliberative process privilege.

4 If he is talking about, you know,  
5 how he and Secretary Crouch discussed who to  
6 hire for BSS commissioner, we contend that's  
7 covered by deliberative process privilege.

8 MR. WALTERS: I thought that --  
9 and maybe I'm mistaken here. I thought the  
10 governor appointed that particular position.  
11 Is it DHHR?

12 MR. PEISCH: Well, my  
13 understanding is that the secretary appoints  
14 it. But if the governor appoints it, that  
15 might change our analysis.

16 THE WITNESS: The secretary  
17 appoints it. In this circumstance, the  
18 secretary was told who to appoint.

19 MR. WALTERS: Does that change  
20 your objection?

21 MR. PEISCH: Okay.

22 MR. LESLIE: That clears it up.

23 MS. TEBOR: Yeah.

24 BY MS. TEBOR:

1           Q.   Okay.   Why in this case did the  
2   governor appoint Jeffrey Pack?

3           A.   I worked with the governor's office  
4   conveying all - from my perspective - points  
5   that I thought would -- Mr. Pack would bring  
6   value to that position -- it was not the  
7   only position -- but that I was advocating  
8   for someone.   But Mr. Pack and Diane --  
9   well, Diana Graves was a former legislator.  
10   I was recommending them both for positions  
11   in the department.   I guess that's all I can  
12   say.

13          Q.   Mr. Pack would not have otherwise  
14   been appointed if the governor had not  
15   appointed him; is that right?

16          A.   I mean, it's hard -- I could not  
17   say for certain.   I do not believe that  
18   Commissioner Pack would have been appointed  
19   had I not had those discussions with  
20   representatives from the governor's office.

21          Q.   And what was Mr. Crouch's response  
22   to the appointment of Jeffrey Pack to  
23   commissioner position?

24          A.   He was very frustrated and upset.

1 Q. Why was he frustrated and upset?

2 A. Because he wanted to make the  
3 decision, would be my speculation.

4 Q. Did you have conversations with him  
5 about the appointment of Jeffrey Pack to the  
6 commissioner's office after Jeffrey Pack was  
7 appointed?

8 A. I did.

9 Q. And what did Mr. Crouch relay to  
10 you?

11 A. He said it was a bad idea. My  
12 understanding is he had trust issues with  
13 Mr. Pack. He understood that I had a long  
14 relationship with Mr. Pack. And within the  
15 internal politics of the department, I think  
16 felt threatened that this was a part of a  
17 broader shift in leadership.

18 Q. Why did he have trust issues with  
19 Mr. Pack?

20 A. I believe because I had a  
21 relationship with Mr. Pack and it was  
22 someone that I knew and had trust with and  
23 for and confidence in. And I had stated  
24 that several times, even before his possible

1 appointment became, you know, an option. I  
2 believe he wanted Ms. Chapman to be the  
3 commissioner. I mean, they stated that. So  
4 I -- I don't know. I am speculating even in  
5 my answers. I mean, some of this was  
6 stated. Some of it is just inferring from  
7 what was stated. But yeah, it would --  
8 definitely caused an issue between me and  
9 the secretary.

10 Q. Did you have concerns with  
11 appointing Ms. Chapman as the commissioner?

12 A. I did. Long term, I did, yes.

13 Q. And what were those concerns?

14 A. I stated to the secretary that I  
15 was concerned --

16 MR. PEISCH: Objection.  
17 Deliberative process privilege.

18 Q. Did you have conversations with the  
19 secretary after Jeff Pack was already  
20 appointed about Cammie Chapman?

21 A. No. Those conversations would have  
22 been before, if I recall correctly.

23 Q. Without discussing what you said to  
24 Mr. Crouch, what were your concerns?

1           A. I felt like the number of  
2 stakeholders that we had to deal with --  
3 that Ms. Chapman didn't have a great  
4 relationship with some of those key  
5 stakeholders. And that while she knew child  
6 welfare as well as anybody in the state,  
7 that those relationships would cause --  
8 would represent barriers to us achieving our  
9 overarching goals or may result in us making  
10 decisions that were not necessarily best  
11 policy decision but because of the dynamics  
12 of the relationships.

13           Q. What relationships specifically are  
14 you discussing?

15           A. Relationships with provider  
16 organizations and with some representatives  
17 from the Supreme Court and the ombudsman's  
18 office.

19           Q. And in terms of the relationships  
20 with providers, are there any specific  
21 relationships that you are discussing?

22           A. Yes. There are specific providers  
23 that I was concerned about, child  
24 residential providers in particular.

1           Q. And what was the relationship  
2 between Ms. Chapman -- what were those  
3 residential providers?

4           A. What did they convey to me, or what  
5 did they --

6           Q. No. Sorry. Who were the --

7           A. Oh. The folks from academy  
8 programs, Susan Fry from -- she is a child  
9 residential in Wayne County. There were a  
10 few others. Oh, my gosh. I think the folks  
11 from Presley Ridge.

12          Q. What did these providers convey to  
13 you?

14          A. They would regularly convey that  
15 they were not getting answers, that they  
16 felt like there was an antagonistic  
17 relationship. And I defended -- I defended  
18 Ms. Chapman in those conversations for the  
19 most part. Sometimes I just listened. And  
20 who is to say who was right or wrong, but it  
21 was an issue. It was definitely an issue.

22                 And we had major reforms to  
23 implement to shift our system. And in my  
24 opinion at the time, that we needed someone

1 that was a good relationship builder to  
2 successfully move our system with as few  
3 problems as possible because these are  
4 challenges -- I mean, we are changing  
5 people's business models and -- we are  
6 trying to. We're trying to get them to  
7 shift what they do. But also, recognizing  
8 that some of the things they do, we need to  
9 continue to do it. And, you know, I didn't  
10 want relationship dynamics to impede our  
11 decision-making.

12 Q. And you mentioned Ms. Chapman's  
13 relationship with the ombudsman. What did  
14 you mean by that?

15 A. There was just -- there were just  
16 disagreements over the role of the ombudsman  
17 from the ombudsman's office and Ms. Chapman.  
18 And I think those disagreements over the  
19 role then transitioned into this more  
20 antagonistic -- maybe that is too strong a  
21 word -- but this, you know, somewhat of  
22 animosity.

23 And I believed that we needed the  
24 ombudsman to help us evolve, to force us to

1 look in the mirror at times when we were  
2 screwing up or not doing the right thing.

3 Q. And what did Ms. Chapman believe  
4 that the role of the ombudsman should be?

5 MR. PEISCH: I want to object to  
6 the extent -- I'm not sure you are asking  
7 this. But to the extent there are statutory  
8 disagreements about the role of the  
9 ombudsman -- Ms. Chapman was serving in a  
10 legal role at the time providing legal  
11 advice. To the extent you are asking about  
12 the legal advice Ms. Chapman was providing  
13 within the department, I am going to object.  
14 If you are asking about other things, I am  
15 not going to object.

16 A. Yeah. I think the objection would  
17 cover what I would say.

18 Q. All right. I'm going to turn to --  
19 let's look at Exhibit 4, which is -- all  
20 right. Exhibit 4 is a news article, Update,  
21 WSAZ obtains WVDHHR deputy secretary draft  
22 termination letter.

23 Do you recognize this article?

24 A. Yes, ma'am.

1 Q. There is a quote from you in this  
2 article; is that right?

3 A. That is correct, yes, ma'am.

4 Q. And did you provide this quote to  
5 WSAZ?

6 A. I did, yes, ma'am.

7 Q. Okay. And you say that this draft  
8 letter from the former secretary contains  
9 many falsehoods about me and my work; is  
10 that right?

11 A. That is correct, yes, ma'am.

12 Q. You know, we talked a little bit  
13 about the letter. Are there any other  
14 falsehoods that you wanted to -- that you  
15 are pointing to with regard to the letter?

16 A. Oh, yeah. Oh, I would have -- I  
17 would contest all of the points.

18 Q. All of them?

19 A. Frankly.

20 Q. Okay.

21 A. Yeah.

22 Q. And then you say that -- in the  
23 statement, you say, I took a stand for the  
24 children and families of West Virginia last

1 spring, and I do not regret it?

2 A. Correct.

3 Q. What did you mean by that?

4 A. That I don't regret it.

5 Q. Sorry. What do you mean that you  
6 took a stand for the children and families  
7 last spring?

8 A. Advocating for the shift of the  
9 funds to cover CPS salaries from vacant  
10 positions primarily.

11 Q. Anything else?

12 A. Well, that would have been the core  
13 -- well, there is another issue actually.  
14 It was related to the dashboard -- the child  
15 welfare dashboard that -- there was  
16 deliberation about. You know, I -- I was  
17 pushing for a more transparent dashboard,  
18 and still do.

19 Q. And what was not transparent about  
20 the dashboard?

21 A. Well, at the time, we didn't have a  
22 dashboard.

23 Q. Okay.

24 A. So it was really nothing. But then

1 following the legislative session, where the  
2 bill that had the dashboard did not pass, as  
3 I recall, there was internal discussions  
4 about what should be in the dashboard. And  
5 the secretary said, yeah, we are going to do  
6 it.

7 And I was pushing really hard  
8 internally for -- well, I was just getting  
9 information from other states and pushing  
10 for a robust dashboard. But he told me to  
11 stand down on it.

12 Q. By "he," you mean Mr. Crouch?

13 A. Mr. Crouch, yeah.

14 Q. And when was this?

15 A. This would have been in March,  
16 April of 2022.

17 Q. Did you in fact stand down?

18 A. Yeah. Well, I mean, that's what  
19 stand down means -- somewhat. It was kind  
20 of out of my hands. He had assigned the  
21 project to an individual that -- you know, I  
22 didn't really have any influence over. And  
23 so from that perspective, yeah, I did  
24 continue to do the research.

1                   And I don't know if I remember this  
2     correctly. But I believe that I was  
3     continuing to send to other folks that was  
4     working with that individual charged with  
5     the dashboard, sending them information,  
6     ideas. In fact, I think I sent it to  
7     Ms. Chapman, and I think I sent it to Jeff  
8     Pack so that they could carry the water  
9     hopefully for what it looked like.

10            Q. Who was charged with the creation  
11     of the dashboard?

12            A. Shaun Charles, who is the chief  
13     information officer at what -- I think it's  
14     still referred to as MIS - Management  
15     Information Systems.

16            Q. Was there information that you  
17     wanted included in the dashboard that was  
18     not included in the dashboard?

19            A. I believe so. I would have to look  
20     at -- I was providing these broad examples  
21     as I recall of other states that did  
22     ultimately have a lot more information than  
23     what we had. But in this -- you know, to  
24     give Mr. Crouch credit, I thought the

1 initial dashboard was actually -- it turned  
2 out better than what I thought it was going  
3 to. You know, I would like for something  
4 more robust now. And there has been -- you  
5 will see in those other documents  
6 discussions about that. But actually at the  
7 time, I thought he did a good job on it, you  
8 know, even though he told me to kind of back  
9 off. But they still did -- for initial  
10 dashboard result, I thought it was actually  
11 pretty good.

12 MS. TEBOR: Okay. I think now  
13 is a good time to break for lunch.

14 (Break in proceedings.)

15 MS. TEBOR: Back on the record.  
16 Let's mark this as Exhibit 5.

17 (Exhibit 5 was marked.)

18 BY MS. TEBOR:

19 Q. Mr. Samples, do you recognize this  
20 email?

21 A. I do not. I mean, I -- I don't  
22 remember it.

23 Q. It appears to be an email from you  
24 to yourself --

1 A. Uh-huh.

2 Q. -- on January 11, 2022. Is that  
3 right?

4 A. Yes, it appears to.

5 Q. And it says -- at the top, it says  
6 2019-CPS?

7 A. Uh-huh.

8 Q. It appears to be that you are  
9 creating a list of issues from 2019 and  
10 whether or not they remain issues as of  
11 January 2022; is that right?

12 A. It appears so.

13 Q. Okay. And the first -- the first  
14 topic, you say, Solve issue with abuse and  
15 neglect investigation time frames for  
16 investigation. And then in red, it states,  
17 Remains serious issue?

18 A. Uh-huh.

19 Q. Did the timeline for abuse and  
20 neglect investigations remain a serious  
21 issue as of January 1st -- or January 11,  
22 2022?

23 A. Yes, it would have. Although, I  
24 must say I don't specifically recall this

1 email. But contextually, I do at times send  
2 myself emails as notes if I am out and about  
3 just -- like it's just an easy way to keep  
4 my own records and not forget things. I  
5 don't know if that's the essence of this or  
6 not though.

7 Q. Okay.

8 A. So sorry. Just to contextualize  
9 it.

10 Q. Yeah. Thank you.

11 And while you were deputy secretary  
12 at DHHR, did you have conversations about  
13 fixing the time frame for abuse and neglect  
14 investigations?

15 A. Oh, yes. There would have been  
16 conversations.

17 Q. What were those conversations?

18 A. The conversations with the  
19 secretary and the bureaus?

20 Q. Did you have any -- I'll ask that.  
21 I will change the question.

22 Did you have any conversations with  
23 Mr. Crouch about fixing the investigative  
24 time frame?

1 A. Yes.

2 Q. What were those conversations?

3 A. In essence, it was highlighting  
4 that this is a major problem and a  
5 consequence of our lack of CPS workers and  
6 also in the context of the case ratio  
7 versus, you know, child-specific ratio for  
8 CPS workers.

9 Q. And what was the issue with the  
10 investigative timelines -- time frames?

11 A. That it was taking our workers too  
12 long to get out and do investigations.

13 Q. Did anything happen as a result of  
14 your conversations with Mr. Crouch about the  
15 time frames for investigation?

16 A. Over the course of time, multitudes  
17 of things happened specifically around the  
18 efforts to increase salary, to increase  
19 recruitment and reduce turnover or improve  
20 our retention rate at CPS. So there were a  
21 multitude of efforts under way there. That  
22 would have been the main thrust of actions  
23 that actually took place. If they were  
24 sufficient or not, I've talked about that

1 previously. But there were actions that  
2 took place.

3 Q. And in 2022, you said it remained a  
4 serious issue. Did it remain a serious  
5 issue when you left in April of 2022?

6 A. Yes, ma'am.

7 Q. And are you aware of whether it  
8 remains a serious issue today?

9 A. I believe it remains a serious  
10 issue, yes.

11 Q. And how do you come to that  
12 knowledge?

13 A. I will go into the department's  
14 reports to the federal government and  
15 compare West Virginia to other states.  
16 There have been improvements, it appears. I  
17 can't recall the last numbers off the top of  
18 my head. But it still remains a serious  
19 problem. And then anecdotally you hear  
20 concerns from various stakeholders in the  
21 field that there are -- there continues to  
22 be issues.

23 Q. Okay. And then looking at the  
24 second bullet, it says, Develop plan to

1 mitigate retention issues at CPS, remains  
2 serious issue.

3 So this was a serious issue in  
4 January of 2022, correct?

5 A. Yes, ma'am.

6 Q. And did this remain a serious issue  
7 when you left in April of 2022?

8 A. Yes, ma'am.

9 Q. And to your knowledge, does it  
10 remain a serious issue today?

11 A. I believe it remains an issue, yes,  
12 ma'am.

13 Q. Okay. And then you say, Developed  
14 strategy to make CPS salaries more  
15 competitive. Remains serious issue with  
16 27 percent vacancy rate.

17 Are you aware of whether that was  
18 -- so it was a serious issue in January of  
19 2022?

20 A. Yes, ma'am.

21 Q. And did it remain a serious issue  
22 when you left in April of 2022?

23 A. Yes, ma'am.

24 Q. And it remains a serious issue

1 today?

2 A. So the problem actually worsened.

3 And then it has improved since then. And so

4 I think our current vacancy rate is

5 17 percent.

6 Q. It's 17 percent?

7 A. So there has been a lot of progress

8 by the department on that front.

9 Q. Okay. And you say subsequent  
10 workload study under way with external  
11 vendor. I think we talked about this  
12 before. What was that workload study?

13 A. I believe that was conducted by  
14 West Virginia University. And it was to  
15 look at things like caseloads -- you know,  
16 just the amount of time it takes a CPS  
17 worker to do X, Y and Z.

18 I actually found the report -- and  
19 it has been a long time since I looked at  
20 it. But upon recollection, I found the  
21 report to be underwhelming when it was  
22 ultimately delivered.

23 Q. What do you mean by underwhelming?

24 A. I didn't think it adequately

1 addressed the question around case versus  
2 child. And again, that's from recollection.  
3 I would have to look at it again to get more  
4 specific.

5 Q. And are you aware of whether the  
6 workload study recommended any caseload  
7 limits?

8 A. I can't recall specifically.

9 Q. All right. The next topic is,  
10 Develop strategies to decrease overtime,  
11 such as designated shifts to address the  
12 issue of employees having to work later  
13 hours to meet with families.

14 You said this remains a serious  
15 issue with staff shortages exacerbating the  
16 problem.

17 This was a serious short -- this  
18 was a serious issue in January of 2022; is  
19 that right?

20 A. Yes, ma'am.

21 Q. Was it a serious issue when you  
22 left in April of 2022?

23 A. Yes, ma'am.

24 Q. Does it remain a serious issue

1 today?

2 A. I do not know.

3 Q. Okay. And number five, it says,  
4 Use the detail data that is already  
5 collected to better effectuate staffing and  
6 case management solutions. And you said it  
7 remains an issue with development of quality  
8 assurance office not yet established.

9 Do you know whether a quality  
10 assurance office has been established?

11 A. Yes, ma'am. I believe it was.

12 Q. Okay. Do you know when it was  
13 established?

14 A. I do not. I believe it might have  
15 been in 2022. But I can't -- I don't know  
16 for sure.

17 Q. I am going to mark this as  
18 Exhibit 6.

19 (Exhibit 6 was marked.)

20 Q. Mr. Samples, this is an email  
21 attaching the foster care ombudsman's report  
22 from March 25, 2021; is that right?

23 A. Yes. Yes, ma'am.

24 Q. Do you recall this report?

1 A. Vaguely, yes.

2 Q. Did you read this report  
3 previously?

4 A. I would have at the time, yes,  
5 ma'am.

6 Q. Do you know if you -- did you  
7 disagree with any of the findings in the  
8 report?

9 A. I can't recall specifically  
10 disagreeing with any of the findings.

11 Q. Generally, the ombudsman found that  
12 there was fear of retaliation by CPS  
13 workers --

14 A. Uh-huh.

15 Q. -- by foster parents and biological  
16 parents. Do you agree with that finding?

17 A. I do.

18 Q. Okay. Can you -- why do you agree  
19 with that finding?

20 A. There were certainly reports at the  
21 time that CPS workers were using their  
22 authority to retaliate against foster  
23 parents, biological families. And those  
24 concerns continue to be reported through

1 constituent referrals to me at the  
2 legislature.

3 Q. How recently have you received  
4 reports of retaliation as a member of the  
5 legislature?

6 A. As recently as this week.

7 Q. What is the --

8 A. A concern. I haven't validated if  
9 it is or is not. But there was a concern as  
10 recent as this week raised.

11 Q. How frequently do you receive  
12 concerns from constituents about retaliation  
13 by DHHR case workers?

14 A. It is -- it is not uncommon.

15 Q. Okay. And the ombudsman also found  
16 that there was a failure of case workers to  
17 communicate with various stakeholders,  
18 foster parents, bio parents, providers. Do  
19 you agree with that finding?

20 A. Certainly.

21 Q. Why do you agree with that finding?

22 A. I have been told the same thing.

23 Q. Who have you been told the same  
24 thing by?

1           A. In my time at the department, these  
2       complaints often made their way to me  
3       through various sources. And they continue  
4       to be made. And it has triggered a two-year  
5       effort to pass a piece of legislation to  
6       address this very problem.

7           Q. And what was the legislation to  
8       address the problem?

9           A. It was around a foster parent  
10      communication portal, which I believe is one  
11      of the presentations in the packet of  
12      information provided.

13          Q. And who advocated for the foster  
14      parent communication portal?

15          A. The primary sponsors were Delegate  
16      Pinson and Delegate Burkhammer. But others  
17      supported it as well.

18          Q. Did Mr. Crouch support the creation  
19      of the foster parent communication portal?

20          A. I do not know.

21          Q. When was this portal created?

22          A. It hasn't yet been created. The  
23      legislation just passed this session, this  
24      past session.

1 Q. All right.

2 A. It did not pass last year. But it  
3 made it out of the House of Delegates.

4 Q. Okay. In your legislative advisor  
5 capacity, do you still receive complaints  
6 about a lack of communication by CPS workers  
7 to foster parents, bio parents, providers?

8 A. Yes. Yes, ma'am.

9 Q. And the ombudsman also found that  
10 there was a lack of knowledge of the job and  
11 of policies and procedures by CPS workers or  
12 by other case workers. Do you agree with  
13 that contention?

14 A. Yes, ma'am.

15 Q. Why do you agree with that  
16 contention?

17 A. Through statements by various  
18 stakeholders while at my time at the  
19 department and subsequent at my time at the  
20 legislature, those complaints continued to  
21 be made.

22 Q. Okay.

23 MS. TEBOR: I'm going to mark  
24 this as Exhibit 7.

1 (Exhibit 7 was marked.)

2 Q. Mr. Samples, let me know when you  
3 are done reviewing.

4 A. Yes, ma'am.

5 MR. PEISCH: Objection. I'm  
6 going to object to this document as  
7 privileged, both deliberative process,  
8 potentially attorney/client. As you know,  
9 we did not manually review all emails  
10 produced. And we will be calling back this  
11 document.

12 MS. TEBOR: What about it do  
13 you -- I mean --

14 MS. PEISCH: Well, it looks to  
15 me to be classic policy advice from Deputy  
16 Secretary Samples at the time to Bill Crouch  
17 in a discussion involving general counsel,  
18 April Robertson.

19 MS. TEBOR: So you can review  
20 the document. I believe April Robertson is  
21 on it but makes no statements in the  
22 document aside from potentially sending the  
23 report itself. And I am not -- I am not  
24 sure what you mean by policy statements.

1                   MR. PEISCH: I think if you read  
2 the first page of the email, at least it  
3 appears to me that Mr. Samples is making  
4 some policy recommendations -- some policy  
5 change recommendations.

6                   MS. TEBOR: What portion of the  
7 email are you looking at to establish  
8 that --

9                   MR. PEISCH: Page 1 of  
10 Exhibit 7.

11                  MS. TEBOR: Okay. I'm looking  
12 at the same page. But what portion of this  
13 email are you looking at?

14                  MR. PEISCH: Here is what I  
15 think we need: Organizational - split BCF,  
16 collapse layers of bureaucracy. And then it  
17 goes to recommendation number two, staffing.  
18 Increase staff to reflect.

19                  I mean, probably what we would do is  
20 redact some of this. I am not sure we would  
21 claim the whole document as privileged. But  
22 certainly that first page, we would claim as  
23 deliberative process privilege.

24                  MS. TEBOR: I am going to ask

1 Mr. Samples about parts of the document.  
2 You can object on the basis of deliberative  
3 process privilege to those parts if you feel  
4 that they are. But I think that makes sense  
5 so that we can move forward without stating  
6 from the whole document at all. But I do  
7 think the parts that I am going to ask about  
8 are not -- do not fall under the  
9 deliberative process privilege.

10 MR. PEISCH: Okay. I may  
11 instruct him not to answer. But let's see  
12 where we get with that.

13 MS. TEBOR: Okay.

14 Q. All right. So, Mr. Samples, I'll  
15 direct you to an email that you sent on  
16 May 19th. It is on the page Bates stamped  
17 -- and if you know what a Bates stamp is,  
18 it's the number at the bottom. It's  
19 D001073024.

20 A. Yes, ma'am.

21 Q. And you say it's the paragraph that  
22 starts with the On the ombudsman report at  
23 the bottom?

24 A. Uh-huh.

1           Q. And you said, On the ombudsman  
2 report, I talked to her about how we needed  
3 to own this report. There is no two ways  
4 about it. The report reflects badly on  
5 child welfare and reinforces what we hear  
6 from multiple stakeholders. We need to do  
7 -- tell the front line staff who may be  
8 listening that if they are overwhelmed,  
9 frustrated and want to do a good job but the  
10 system is a hindrance that we are going to  
11 fix.

12                   What did you mean that you were  
13 hearing these -- about these issues from  
14 multiple stakeholders?

15           A. I can't remember specifically. But  
16 generally, it would have been from  
17 representatives from the judicial branch,  
18 providers, legislators, constituents  
19 reaching out through the legislature and the  
20 governor's office.

21           Q. And what did you mean when you said  
22 we -- the system is a hindrance? Do you  
23 recall?

24           A. The impression by -- I can't recall

1 specifically. I am perhaps inferring some  
2 -- I can do that. I can infer what I would  
3 have meant, but I can't specifically  
4 remember.

5 Q. What --

6 A. I believe -- I believe with some  
7 degree of confidence that it would have been  
8 around foster parents and other individuals  
9 in the community that -- you know, mandatory  
10 reporters, teachers, et cetera, that did not  
11 have a favorable view of the child welfare  
12 system or workers or how we operated and  
13 that, you know, in fact, they viewed CPS as  
14 a hindrance to the best interest of  
15 children.

16 Q. And the email above from Bill  
17 Crouch, he says to you, Jeremiah, we will  
18 not own the ombudsman report?

19 A. Uh-huh.

20 Q. Do you have an understanding of  
21 what he meant when he said, we will not own  
22 the ombudsman report?

23 A. Not beyond the clear reading of  
24 what he said.

1 Q. What do you understand him to be  
2 saying from the clear reading of what he  
3 said?

4 A. That we were not going to as an  
5 agency agree with or publicly or politically  
6 own the problems outlined by the ombudsman.

7 Q. Did you agree with his -- did you  
8 agree with not owning the ombudsman report?

9 A. I did not agree.

10 Q. And why don't you -- why did you  
11 not agree?

12 A. Because I believed that there -- I  
13 believed the ombudsman report to be  
14 accurate.

15 Q. Okay. I am just looking at the  
16 email on the page with the Bates number  
17 ending in 023. It's on May 2021. You say,  
18 Progress has been made in some areas, but  
19 overall results are still poor. Do you  
20 recall what you meant by that?

21 A. That while we had undertaken a  
22 number of different initiatives to improve  
23 the child welfare system and CPS, that the  
24 outcomes that children and other actors in

1 the system were experiencing were still  
2 poor.

3 Q. Okay. And you also mention -- you  
4 mention a couple of issues that we've  
5 already talked about. You mentioned the  
6 issues with PATH. You mentioned the issues  
7 with the vacancy rates.

8 The main issues that are discussed  
9 here, were those the issues that you were  
10 most concerned about?

11 A. Correct. Yes, ma'am.

12 Q. All right. And you discussed that  
13 we still have way too many workers staying  
14 in hotels and county offices with kids?

15 A. Yes, ma'am.

16 Q. Okay. What is that -- what is  
17 that? What are you talking about there?

18 A. So whenever a CPS worker is unable  
19 to find appropriate placement for a child  
20 with an emergency shelter or child  
21 residential, foster family, kinship  
22 placement, acute psych hospital, PRTF --  
23 they are unable to find appropriate  
24 placement, the worker will -- at the time

1 would stay with the child either in the  
2 county office or in a hotel.

3 Q. Uh-huh. And this in your mind was  
4 -- this was an issue that was occurring in  
5 or around May of 2021?

6 A. Yes, ma'am.

7 Q. Was that still a problem when you  
8 left in April of 2022?

9 A. Yes, ma'am.

10 Q. And as far as you are aware, the  
11 issue of children staying at hotels and in  
12 county offices, is that still an issue  
13 today?

14 A. I don't know that the department  
15 continues to have children in county offices  
16 except in extraordinary circumstances like a  
17 snowstorm. I think -- my understanding is  
18 they moved away from that policy.

19 But I have been told that there may  
20 be children staying in other types of  
21 settings like state parks or -- I forget the  
22 specific location. It wasn't a state park.  
23 It was a -- it was like an outside  
24 recreational area.

1 Q. Was this Camp Virgil?

2 A. Yes. Yes. That has been stated to  
3 me.

4 Q. Okay.

5 A. Camp Virgil Tate.

6 Q. Camp Virgil Tate. Okay.

7 And you say also here that our  
8 wraparound services are solid from a high  
9 level policy perspective, but we don't have  
10 sufficient providers to execute them and  
11 they are not coordinated effectively so  
12 children have seen less support -- have a  
13 seamless system of support that all of our  
14 partners understand and can navigate.

15 What do you mean that they are not  
16 coordinated effectively?

17 A. That the system -- the continuum of  
18 care remains siloed and that there was not  
19 adequate effort to ensure that those  
20 communications continued across the various  
21 placements in that continuum of care.

22 (A discussion was held off the  
23 record.)

24 BY MS. TEBOR:

1           Q. What happens when there is not the  
2 continuum of care as you mentioned?

3           A. When you have breakdowns in  
4 communications between providers in the  
5 continuum of care, I think it can result in  
6 services that a child had been previously  
7 provided that may have worked not being  
8 followed through on by the next provider or  
9 placement.

10           It can result -- for example, there  
11 have been reports by foster families that,  
12 you know, a child may be -- not to their  
13 knowledge, they will later find this out --  
14 but the child is leaving a placement, and  
15 the CPS worker doesn't tell them about what  
16 kind of treatment the child was receiving --  
17 you know, just generally anything about the  
18 child's circumstances. There have been  
19 complaints on that front both on -- you  
20 know, medical care for the child, but also  
21 on their behavioral health issues that they  
22 may have.

23           And there have been -- well, those  
24 are some -- just some examples of what can

1     happen.    There are more.

2             Q.   And was this still an issue when  
3     you left in April of 2022?

4             A.   Yes, ma'am.

5             Q.   Okay.   Are you aware of whether it  
6     still remains an issue today?

7             A.   I still receive complaints about  
8     this very issue, yes, ma'am.

9             Q.   Okay.   And you say at the bottom of  
10    this email that if we go to the legislature  
11    and push back on a report that ultimately  
12    reflects what legislators are hearing from  
13    their constituents, then we will lose their  
14    ongoing partnership and the reforms that we  
15    continue to need for kids.

16            This is you disagreeing with  
17    Mr. Crouch's suggestion that you not own the  
18    ombudsman report, correct?

19            A.   Yes, ma'am.

20            Q.   All right.   If you just look at the  
21    top of page -- the page ending in 3022 --

22            A.   Yes, ma'am.

23            Q.   All right.   You say, My biggest  
24    concern with the ombudsman report is that it

1 validated concerns we already had and added  
2 context to them.

3 As you said, you had already been  
4 hearing these issues, the ombudsman report  
5 just reinforced the concerns that you're  
6 already hearing; is that correct?

7 A. Yes, ma'am.

8 Q. All right. Mr. Samples, are you  
9 aware that Secretary Crouch sent an email to  
10 employees at DHHR requesting that they  
11 inform him if contacted by a member of the  
12 legislature?

13 A. I had heard of this, yes, ma'am.

14 Q. Okay. When did you hear about  
15 this?

16 A. I can't recall.

17 Q. Do you know when he sent that  
18 email?

19 A. I do not.

20 Q. Do you have an understanding of why  
21 he sent that email?

22 A. I have a speculation as to why he  
23 sent it.

24 Q. Why do you think he sent it?

1           A. To keep our staff from telling the  
2 legislature information that may ultimately  
3 result in some political embarrassment.

4           Q. Political embarrassment from  
5 Mr. Crouch?

6           A. Yes, ma'am.

7           Q. Are you aware that the legislature  
8 noted at least as of January 31, 2022, that  
9 employees refused to talk to the legislature  
10 without Crouch's sign-off?

11          A. Yes, ma'am.

12          Q. Did you have any conversations with  
13 Mr. Crouch about preventing DHHR employees  
14 from speaking with the legislature?

15          A. I would have, yes, ma'am.

16          Q. Do you recall what those  
17 conversations were?

18          A. Just vaguely.

19                 MR. PEISCH: Objection.  
20 Deliberative process privilege.

21          Q. When did you have those  
22 conversations?

23          A. They would have -- there would not  
24 have just been one conversation on one day.

1 It would have been an ongoing discussion.

2 Q. Did you think that DHHR employees  
3 should be able to speak with members of the  
4 legislature?

5 A. Yes, ma'am. In the right  
6 circumstances.

7 MS. TEBOR: I'm going to mark  
8 this as Exhibit 8.

9 (Exhibit 8 was marked.)

10 (Witness reviews document.)

11 Q. Tell me when you are ready,  
12 Mr. Samples.

13 A. Okay. Yes, ma'am.

14 Q. Mr. Samples, this is an email chain  
15 between you and Pamela Woodman-Kaehler; is  
16 that correct?

17 A. Yes, ma'am.

18 Q. Do you recall this email?

19 A. Vaguely, yes.

20 Q. It is from July 1st, 2021; is that  
21 right?

22 A. Yes, ma'am.

23 Q. And this Ms. Woodman-Kaehler is --  
24 am I saying that right?

1           A. Kaehler. I always get it wrong  
2 myself. I always say Kaehler-Woodman. But  
3 yes.

4           Q. Okay. She is sending you a -- she  
5 is forwarding you an email that she had --  
6 email chain from her and Linda Watts; is  
7 that right?

8           A. Yes, ma'am.

9           Q. And Linda Watts is asking her for  
10 information about complaints about case  
11 workers; is that right? Or about DHHR?

12          A. Yes, ma'am.

13          Q. Ms. Kaehler-Woodman, the ombudsman,  
14 sends this to you and says she has been  
15 receiving big, ugly and highly concerning  
16 complaints.

17                Do you know what complaints she was  
18 referring to?

19          A. Not specifically, no.

20          Q. Okay.

21          A. I may have known at the time. But  
22 I don't specifically recall.

23          Q. Okay. And she said she has -- she  
24 says she has a meeting this morning with a

1 large group of providers that unloaded in  
2 exhausted, defeated frustration.

3 Do you recall what the issue was  
4 that the providers were discussing?

5 A. I maybe at the time would have  
6 known, but I don't specifically recall.

7 Q. All right. And she talks about how  
8 decisions must not just be a please the DOJ  
9 marketing pitch, but well informed and  
10 effective.

11 Do you understand what she means by  
12 a please the DOJ marketing pitch?

13 A. I have an interpretation of what  
14 that means, yes, ma'am.

15 Q. Okay. And what do you think that  
16 means?

17 A. That in presentations to the  
18 Department of Justice or other, you know,  
19 stakeholders, that we would often make  
20 statements or have bullets laying out, these  
21 are the things that we are accomplishing,  
22 and the language could be very generic. But  
23 in reality, the end game outcomes were not  
24 changing as a result, that it was just --

1 well, again, talking points as opposed to  
2 actions with tangible results.

3 Q. And do you have any memory of the  
4 specific presentations of talking points  
5 that were provided to DOJ that did not show  
6 the particular outcomes?

7 A. Well, I don't want to misconstrue  
8 my interpretation -- I mean, information  
9 would be provided -- the context of this is  
10 that information would be provided that  
11 perhaps we even had the intent of carrying  
12 out. And I think that was the case. But  
13 that we did not have enough meat on the  
14 bones so to speak to actually carry forward  
15 that result.

16 And so -- and the broader context  
17 of my discussions with the ombudsman was  
18 that if we don't get into the nitty-gritty  
19 details of these issues that are happening  
20 and track -- try to quantify what those  
21 problems are and then track our progress on  
22 problem X, then this will always only remain  
23 a talking point dialogue without any actual,  
24 you know, benefit to the kids we are

1 serving.

2 Q. Okay. Could the plans or the  
3 talking points that you are presenting to  
4 DOJ -- it was unclear whether they could be  
5 implemented; is that right?

6 A. I wouldn't feel comfortable saying  
7 that's accurate, I mean, without a specific  
8 document in front of me to say -- I mean,  
9 yeah, I -- I'm sorry. I don't think I could  
10 answer that one accurately.

11 Q. Okay. Okay. Were there certain  
12 plans that DHHR presented to the DOJ that  
13 you felt were not accurate -- that were not  
14 sufficiently dug into or, you know, planned  
15 for?

16 A. I never personally felt that we  
17 presented anything to the DOJ that we didn't  
18 feel were accurate. There were occasions  
19 where I felt we presented information to the  
20 DOJ that I didn't have confidence that we  
21 were going to be able to execute the  
22 strategy because we had not properly  
23 engineered the mechanisms to accomplish that  
24 goal both from a policy perspective, but

1 also to track if we had accomplished it.

2 Q. Do you remember what those  
3 particular items were?

4 A. Not specifically without having it  
5 in front of me.

6 Q. Okay. And if you look -- if you  
7 turn back to the page that ends in 68 --

8 A. Yes, ma'am.

9 Q. -- the ombudsman says that Linda is  
10 escalating the demands for this information  
11 from us. And I am not comfortable providing  
12 it in the way she is expecting. Frankly, I  
13 will be -- I believe it will be ill used as  
14 a hit list in our current culture even if we  
15 were able to produce it. The BCF culture is  
16 miserable, and leadership is extremely  
17 disconnected.

18 Did you agree that that type of  
19 information might be used as a hit list?

20 A. I agreed -- in recollection, I  
21 agreed that it could be.

22 Q. Okay. Do you have an understanding  
23 of why Linda Watts was requesting it?

24 A. I recall that Linda was concerned

1 that she was not able to adequately respond  
2 to some of the issues that were brought  
3 forth by the ombudsman without being in the  
4 loop during the process.

5 Q. Okay.

6 A. And I believe Linda meant that --  
7 right or wrong, I believe she genuinely  
8 believed that.

9 Q. Okay. And when the ombudsman says  
10 I will believe -- I believe it will be ill  
11 used as a hit list, what did you understand  
12 that to mean?

13 A. The department had and has a  
14 culture of retaliation that goes back some  
15 time. And that culture had worsened in a  
16 lot of ways in this period of time. And  
17 there were reports of that from external  
18 stakeholders that there was retaliation.  
19 And there continues to be frankly. And so  
20 that was a known problem that we had, that  
21 there were at least allegations of serious  
22 retaliation at the ground level of CPS.

23 Q. What form did that retaliation  
24 take, or what forms?

1           A. It could take -- it could take a  
2   number of different forms ranging from a  
3   supervisor chewing out a staff person to a  
4   CPS worker -- one specific instance I  
5   remember, a CPS worker in essence telling a  
6   foster family that they'd better be careful  
7   or they weren't going to get more foster  
8   kids. And I can't remember exactly what the  
9   foster family was complaining about. But  
10   that was -- whatever it was, that was what  
11   they relayed was shared with them.

12           Another specific example that --  
13   and this was a minimal county issue -- that  
14   CPS -- that mandatory reporters at the  
15   school system were making referrals to CPS.  
16   They stated that a lot of those were getting  
17   screened out. And then the ones that were  
18   not being screened out, that the CPS workers  
19   in that area were frustrated with the school  
20   system for I guess increasing their workload  
21   or -- I think that's what the school system  
22   thought. And they were telling individuals,  
23   the parents, the biological parents that,  
24   hey, the counselor down at the school said

1 your kid was super dirty or whatever the  
2 issue was.

3 And so at least the one  
4 representative from that school board said  
5 that -- I think they had indicated -- I  
6 think it was a teacher or a counselor. I  
7 can't remember. Maybe a principal.  
8 Somebody from the school system had their  
9 tires slashed, and they suspected it was  
10 because of a CPS referral. And so that  
11 would be another example.

12 Q. Did DHHR do anything to address the  
13 retaliatory issues?

14 A. In leadership discussions, while I  
15 was there, it was -- it was a problem. And  
16 so I had conversations with Linda Watts  
17 about this.

18 MR. PEISCH: I'm going to object  
19 on deliberative process privilege. I don't  
20 think the question calls for it, but I think  
21 the answer is calling for deliberative  
22 process. You might want to repeat --

23 MR. WALTERS: Yeah. Rephrase  
24 that. I think the question was fine. It

1 was, what did they do?

2 Q. Yeah. What did DHHR do if anything  
3 to address retaliatory practices?

4 A. We had conversations about it, but  
5 I don't know beyond that.

6 Q. As far as you are aware, was  
7 anything done to address issues with  
8 retaliation?

9 A. Nothing tangible that I can recall.

10 Q. All right. And just looking back  
11 at page -- the page ending in 67 up at the  
12 top.

13 A. Yes, ma'am.

14 Q. All right. And you say to  
15 Ms. Woodman-Kaehler, I appreciate these  
16 concerns on a number of levels, the words  
17 expressing. I can't quite match the emotion  
18 tied to it, so I will leave it at that.

19 You agreed with Ms. Woodman-  
20 Kaehler's contentions in her email?

21 A. Yes, ma'am.

22 Q. Okay. And then you also told her,  
23 hold on whatever report Linda is requesting;  
24 is that right?

1 A. Yes, ma'am.

2 Q. Because you also believed that it  
3 could be used as a hit list?

4 A. That it could be, yes, ma'am.

5 Q. Okay.

6 A. May I state one thing? Linda Watts  
7 is a great person. And I don't think she  
8 would have specifically retaliated against  
9 anyone. I just want to make that clear for  
10 the record. She is just not that -- not  
11 that kind of person. But her staff at  
12 various levels perhaps could be and others  
13 in the department.

14 MS. TEBOR: Okay. I am going to  
15 mark this as Exhibit 9.

16 (Exhibit 9 was marked.)

17 MS. TEBOR: And also mark this  
18 as Exhibit 10.

19 (Exhibit 10 was marked.)

20 Q. Exhibit 9 is an email again from  
21 you to yourself. Do you recall this email?

22 A. I don't specifically, no.

23 Q. And this was sent on the same day,  
24 January 21, 2021, as this news story, West

1 Virginia's reliance on out -- which is  
2 Exhibit 10 -- West Virginia's reliance on  
3 out-of-state group homes, leaves some foster  
4 kids in unsafe, abusive situations.

5 A. Okay.

6 Q. Were you aware of issues with abuse  
7 in out-of-state -- allegations of abuse in  
8 out-of-state placements?

9 A. Yes, ma'am.

10 Q. And when did you become aware of  
11 issues with abuse in out-of-state  
12 placements?

13 A. Going back at various times  
14 throughout my entire career that I am aware  
15 of -- going back to my early days at DHHR, I  
16 am aware of abuse.

17 Q. With respect to this particular  
18 article, besides a couple of different  
19 facilities where there were allegations of  
20 abuse and neglect and children were still in  
21 the facilities, are you aware of issues with  
22 DHHR not removing children from facilities  
23 after there has been an allegation of abuse  
24 or neglect?

1           A. I'm sorry. I was looking. Can you  
2 please repeat that?

3           Q. Yes, sure.

4           You said you are familiar with  
5 allegations of abuse and neglect in  
6 out-of-state facilities?

7           A. Yes, ma'am.

8           Q. Are you familiar with issues with  
9 DHHR not removing children from out-of-state  
10 facilities once there has been an allegation  
11 of abuse or neglect in that facility?

12          A. Yes, ma'am.

13          Q. Okay.

14          A. Yes, ma'am.

15          Q. What is your understanding of that  
16 issue?

17          A. So with respect to George Junior --  
18 I am trying to recall.

19               MR. PEISCH: Can I just  
20 interject here -- are we going to seal if --  
21 if Mr. Samples is going to testify about  
22 individual children, then I think we will  
23 request that we seal this transcript. And  
24 we can maybe redact portions at a later

1 date.

2 MS. TEBOR: Yeah.

3 MR. WALTERS: Or just refer to  
4 them as initials.

5 MS. TEBOR: Yeah. I don't think  
6 we are asking about the --

7 MR. PEISCH: Yeah. Yeah. I  
8 know you weren't, but he was starting to  
9 talk about somebody in particular.

10 Q. So I think the issue is, we are  
11 just -- so we have a clean transcript, if  
12 you could avoid identifying the individual  
13 who may have been -- you can talk about the  
14 allegations of abuse and neglect but not  
15 necessarily the individual who was --

16 A. What if the nature of the abuse and  
17 the limited number of children in the  
18 facility was such that it could easily be  
19 determined who that child was if you were  
20 aware of the --

21 MR. WALTERS: We will just have  
22 to seal that portion of the transcript.

23 MS. TEBOR: Yeah, we'll have to  
24 seal that portion.

1                   MR. PEISCH: We will seal that  
2     portion. I mean, he can testify to --

3                   MS. TEBOR: Yeah -- no, no.

4     Absolutely. Yeah. I am not --

5                 Q. Just to be clear, I am not asking  
6     for names of children.

7                 A. Sure.

8                 Q. I am not asking for birthdays. You  
9     know, I am just asking for, you know, what  
10    the issue was and whether you are aware of  
11    the children not being removed from the  
12    facility?

13                MR. LESLIE: Just do the best  
14    you can to protect their identities and  
15    answer her questions, and we will take care  
16    of the rest.

17                THE WITNESS: Okay. Yeah.

18                A. So yes, I do recall this article  
19    here. And I am at least at some level  
20    familiar with the situations up at George  
21    Junior specifically.

22                Q. Okay. Are you familiar -- I know  
23    it names George Junior. It names a couple  
24    of other facilities. Do you have any reason

1 to doubt the accuracy of this article in  
2 terms of children still being in facilities  
3 at a certain time?

4 A. I have no reason to doubt the  
5 accuracy of the article.

6 Q. Okay. From the email that you  
7 wrote to yourself, you say, will you be --  
8 and point number two, will you be bringing  
9 up the issue of out-of-state placements and  
10 any of the investigative findings to your  
11 colleagues this session?

12 Do you remember who you were  
13 writing to?

14 A. I do not specifically recall.

15 Q. Okay. And you say, Are you worried  
16 -- sorry. Point number four, are you  
17 worried about the lack of DHHR transparency  
18 and what that could mean for the safety and  
19 well-being of West Virginia foster kids.

20 Were you personally worried  
21 about the lack of DHHR transparency in  
22 September of 2021?

23 A. Yes.

24 Q. Do you remain concerned about that

1 today?

2 A. Yes.

3 MS. TEBOR: All right. Give us  
4 five minutes. And then let's see if we can  
5 wrap it up for the four o'clock deadline.

6 (Break in proceedings.)

7 BY MS. TEBOR:

8 Q. Mr. Samples, we are back on the  
9 record. We were talking before about the  
10 workload study and about individual versus  
11 -- assigning cases versus on -- the  
12 individual versus the family; is that right?  
13 Do you remember that conversation?

14 A. Yes, ma'am, I do.

15 Q. Okay. And what is your contention  
16 on how caseloads should be assigned?

17 A. I think that it is not reflective  
18 of the actual workload to have a case ratio  
19 defined by every child that may belong to a  
20 family or a parent for the one CPS worker.

21 Q. And so in your mind -- when you say  
22 case ratio, do you mean caseload? Is  
23 that --

24 A. Yes, ma'am.

1           Q. So in your mind, caseloads should  
2 be assigned by the individual child and not  
3 by --

4           A. Not necessarily. I think there  
5 would -- could be another way to do it where  
6 based on certain factors -- let's say there  
7 is ten children and three of those children  
8 have psychiatric or behavioral issues that  
9 result in them having to be placed in an  
10 institutional care, or maybe three of those  
11 children are across three different  
12 families. That there would be a way to  
13 weight certain factors in a case to get a  
14 more accurate depiction of what the workload  
15 is relative to the case.

16          Q. Do you believe there should be  
17 limits on caseloads?

18          A. I do.

19          Q. And why do you believe that?

20          A. So that a worker is able to perform  
21 all of the tasks and responsibilities that  
22 they are charged with for the state and the  
23 child.

24          Q. And what do you think the limit on

1 caseloads should be?

2 A. It would be dependent on how the  
3 equation was developed around weighting the  
4 specific circumstances in a case. That's  
5 what I wish we would do.

6 Let me just answer it this way. I  
7 believe that the state should develop a  
8 caseload standard by looking at the  
9 circumstances of children in the case,  
10 identifying various factors that we all know  
11 practically speaking result in a worker  
12 spending more time with a specific child and  
13 then using that as the caseload standard.  
14 If that is too complicated -- because that  
15 could be very complicated -- then I think we  
16 should do a worker-to-child caseload  
17 standard.

18 Q. And what would that worker-to-child  
19 caseload standard look like?

20 A. I am not sure I understand your  
21 question.

22 Q. You were saying in the alternative,  
23 if weighting is too difficult, there should  
24 be a worker-to-child caseload standard?

1 A. Yeah.

2 Q. What would that -- what would that  
3 standard be?

4 A. Instead of having a case defined by  
5 every child in the family, then it would be  
6 the number -- if there's ten kids in the  
7 family, then that's one worker to ten  
8 children as opposed to one worker to  
9 one case.

10 Q. Okay. And do you believe there  
11 should be a maximum amount of children  
12 assigned?

13 A. Yes.

14 Q. What do you think that maximum  
15 would be?

16 A. I would have to -- at one point, I  
17 might have been able to answer that better.  
18 But I would have to look back through the  
19 research.

20 Q. Okay. And what is your  
21 understanding of how DHHR is currently  
22 assigning caseloads?

23 A. Historically, it was assigned, a  
24 case was every child in the family. I

1 believe that's the way it is still done, but  
2 I -- I don't know that for certain.

3 Q. And do you have an understanding of  
4 what the current caseload sizes are?

5 A. I do not.

6 Q. Do you have an understanding of  
7 whether they are higher than is suggested or  
8 is recommended?

9 A. I wouldn't know.

10 Q. Okay. Do you have an understanding  
11 when you left as of April of 2022 about what  
12 the caseload sizes look like?

13 A. Yeah. I can't remember the  
14 specific numbers, but I have a general  
15 recollection.

16 Q. Okay. Do you remember if caseloads  
17 were too high at that point?

18 A. Yes, they were.

19 Q. Okay. And what was happening as a  
20 result of caseloads being too high?

21 A. CPS workers were not coming  
22 prepared to court appropriately. They were  
23 not able to serve the individual needs of  
24 specific children under their purview.

1 There were delays in investigations as a  
2 result. There was poor communication with  
3 stakeholders, guardian ad litem, foster  
4 parents from the CPS workers because they  
5 were simply overwhelmed.

6 Q. And as far as you are aware, case  
7 workers being overwhelmed, is that still an  
8 issue today?

9 A. It is. It's a lesser issue as I  
10 understand it, but it remains an issue as I  
11 understand it.

12 MS. TEBOR: All right. No  
13 further questions. Thank you.

14 MR. WALTERS: Well, we are  
15 leaving it open.

16 MS. TEBOR: Oh, but we are  
17 leaving it open. Yes. I'm sorry. Thank  
18 you. Thank you. We are leaving it open.  
19 No further questions right now. We are  
20 leaving it open.

21 MR. LESLIE: Just to be clear.  
22 So as far as like questions today, we are  
23 done. And then the remainder, if we come --  
24 if, when, whatever, we come back, it will be

1 to discuss the documents? Is that --

2 MS. TEBOR: The documents and/or  
3 to the extent that there is a discussion  
4 about the deliberative process privilege  
5 between the parties, then that would be --  
6 and plaintiffs are -- you know,  
7 interrogatory responses, yeah.

8 MR. WALTERS: With one caveat,  
9 that we did cut some stuff out because we  
10 ran out of time.

11 MS. TEBOR: Yeah.

12 MR. WALTERS: Yeah. I mean,  
13 generally --

14 MR. PEISCH: I just want to make  
15 sure. We reserve our right to do redirect.  
16 You don't object to, I mean, me not doing  
17 redirect right now? You are not going to  
18 object that I can't do redirect when we  
19 reconvene?

20 MR. WALTERS: Correct.

21 MS. TEBOR: When we reconvene,  
22 that's correct.

23 (Deposition concluded at 4:00 p.m.)

24 \* \* \* \* \*

CERTIFICATE

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I, Tara Arthur, Certified Stenotype  
Reporter and Notary Public, do hereby  
certify that the foregoing deposition of the  
above-named witness, was duly taken by me in  
machine shorthand, and that the same were  
accurately written out in full and reduced  
to computer transcription.

I further certify that I am neither  
attorney or counsel for, nor related to or  
employed by any of the parties to the action  
in which this deposition is taken; and  
furthermore, that I am not a relative or  
employee of any attorney or counsel employed  
by the parties hereto or financially  
interested in the action.

My commission expires April 16, 2027.



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Tara Arthur  
Certified Court Reporter/Notary Public

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